



## NOTICE

### Louisiana Historical Society Publications

The following issues of the Society can be purchased at the prices listed, subject to fluctuation, plus six cents per number for postage. Address Henry M. Gill, Corresponding Secretary, The Cabildo, Third Floor, Chartres and St. Peter Streets, New Orleans, La. All issues of the Society that you do not desire will be appreciated, as the Society needs duplicates.

*Publications:* All numbers, \$1.00, except Vol. 1 No. 3, \$2.00; Vol. 2 Nos. 2 and 3, \$3.00 each.

*Quarterlies:* All numbers, \$1.00, except Vol. 1 No. 3, Vol. 2 No. 3, \$3.00 each; Vol. 1 No. 4 \$1.50.

The Society has a few copies of the valuable works listed below which will be sold (while the supply lasts) at the prices named, and subject to fluctuation.

History of Reconstruction in Louisiana, by John R. Ficklen, \$2.50 (Cloth).

Official Program, Louisiana Historical Society (with History of Battle of New Orleans, 1815), \$.45 (Paper).

How the Louisiana Purchase was Financed, by J. E. Winston and R. W. Colvill, \$1.00 (Paper).

A Criminal Trial Before the Superior Council of Louisiana, May, 1747, by Henry P. Dart, \$1.00 (Paper).

HENRY M. GILL,  
Corresponding Secretary,  
The Cabildo, New Orleans, La.



# THE LOUISIANA HISTORICAL QUARTERLY

Vol. 15, No. 2

April, 1932



Entered as Second Class mail matter June 6, 1917, at the post office at New Orleans, La.,  
under Act of August 24, 1912.  
Subscription \$2.00 per annum, payable in advance. Address Louisiana Historical Quarterly,  
Cabildo, New Orleans, La.

Ramires-Jones Printing Co.  
Baton Rouge  
1932

**OFFICERS**  
OF THE  
**LOUISIANA HISTORICAL SOCIETY**

EDWARD ALEXANDER PARSONS, President.  
ANDRÉ LAFARGUE, First Vice-President.  
JAMES WILKINSON, Second Vice-President.  
FRANK H. WADDILL, Third Vice-President.  
J. FAIR HARDIN, Vice-President,  
For North Louisiana.  
G. P. WHITTINGTON, Vice-President,  
For Central Louisiana.  
PROF. WILLIAM A. READ, Vice-President,  
For Southern Louisiana.  
R. W. COLOMB, Recording Secretary.  
HENRY M. GILL, Corresponding Secretary.  
HENRY P. DART, Archivist and Editor.  
J. B. DONNES, Treasurer.

**Executive Committee**

Edward A. Parsons, *Chairman*; André Lafargue, James Wilkinson, Frank H. Waddill, J. B. Donnes, Henry P. Dart, R. W. Colomb and Henry M. Gill.

**Editor Louisiana Historical Quarterly**

HENRY P. DART, 1822 Canal Bank Bldg.,  
New Orleans, La.

**Advisory Editorial Board**

MISS GRACE KING*	PERCY SAINT
JOHN S. KENDALL	GEORGE C. H. KERNION
HENRY W. ROBINSON	JAMES E. WINSTON
J. FAIR HARDIN,	G. P. WHITTINGTON,
Shreveport.	Alexandria.
R. W. COLOMB	

---

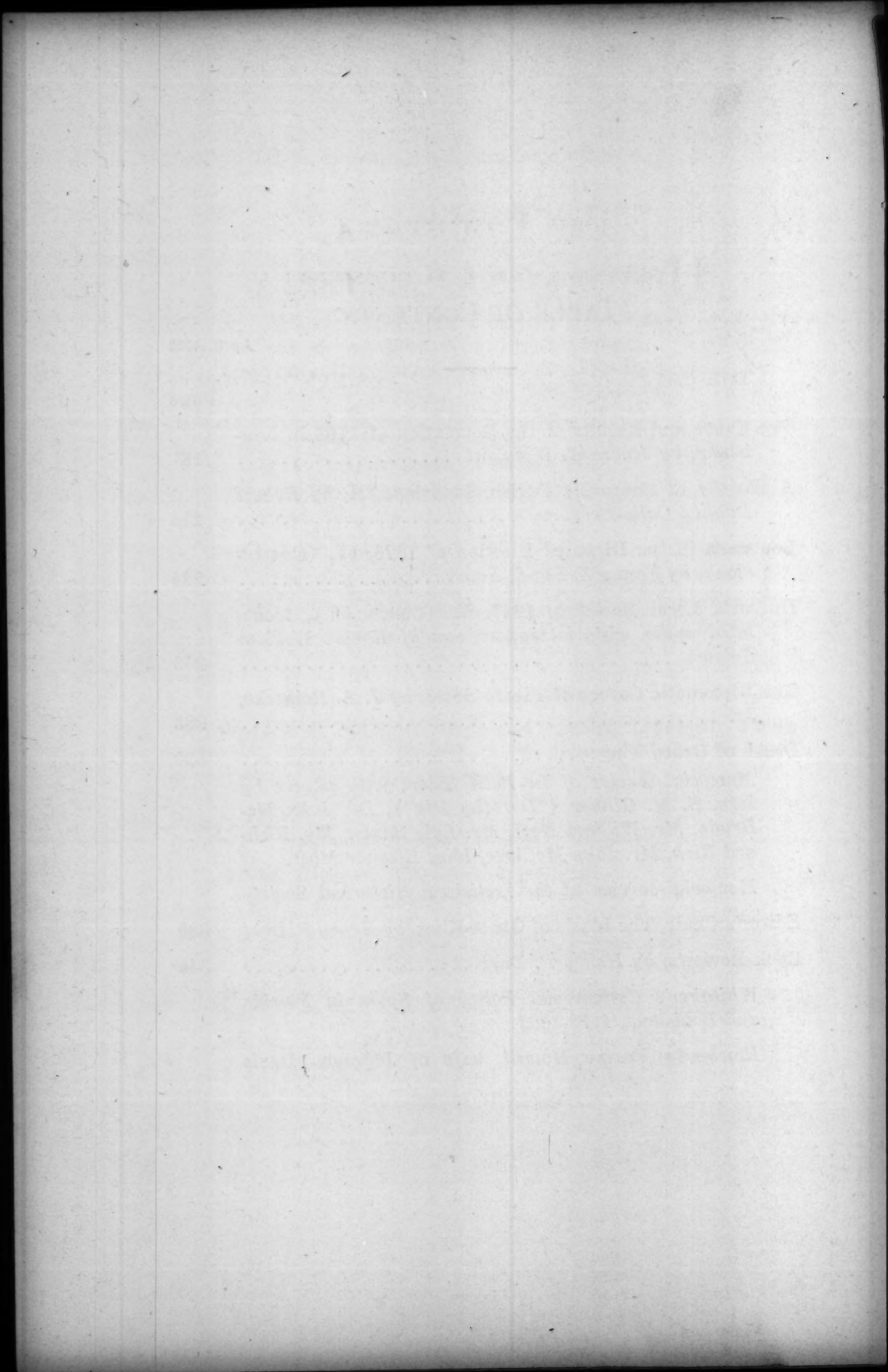
\* Died January, 1932.

## TABLE OF CONTENTS

Vol. 15, No. 2

April, 1932

	Page
The Cause and Results of the Revolution of 1768 in Louisiana, by <i>James E. Winston</i> .....	181
A History of Concordia Parish, Louisiana, II, by <i>Robert Dabney Calhoun</i> .....	214
Louisiana in the Disputed Election of 1876, IV, ( <i>Conclusion</i> ), by <i>Fanny Z. Lovell Bone</i> .....	234
Dufour's Local Sketches, 1847, V, ( <i>Conclusion</i> ), translated under editorial supervision of <i>Robert William Colomb</i> .....	268
The Diplomatic Career of Pierre Soulé, by <i>J. A. Reinecke, Jr.</i> .....	283
Death of Grace King.....	330
<i>Memorial service of Le Petit Salon, with papers by Mrs. E. M. Gilmer ("Dorothy Dix"), Dr. John McBryde, Mr. William Nott, Mr. Lyle Saxon, Mr. Richard Kirk, Mr. John McClure, Miss Eleonor Moss.</i>	
<i>Memorial service of the Louisiana Historical Society</i>	
Editor's Chair, The Ideals of Grace King, by <i>Henry P. Dart</i>	339
Book Reviews, by <i>Henry P. Dart</i> .....	345
<i>Whitaker's Commercial Policy of Spain in Florida and Louisiana, 1778-1803.</i>	
<i>Rowland's Varina Howell, wife of Jefferson Davis</i>	





# THE LOUISIANA HISTORICAL QUARTERLY

Vol. 15, No. 2

April, 1932

---

## THE CAUSE AND RESULTS OF THE REVOLUTION OF 1768 IN LOUISIANA.

---

BY JAMES E. WINSTON  
*Newcomb College*

---

THERE is perhaps no episode in Louisiana history that has aroused keener interest and stirred the passions of writers more deeply than the series of events connected with the expulsion of Ulloa, and the trial and condemnation of the leaders of the revolution of 1768 under the administration of his successor, O'Reilly. The majority of Louisiana historians have condemned in unsparing terms the execution of the five Creole leaders of the movement that resulted in the summary ousting of the luckless Spanish Governor. Champigny's narrative while entertaining is highly imaginative at times.<sup>1</sup> That of Villiers du Terrage gives a more detailed and sober account of the dramatic incidents prior to and following the expulsion of Ulloa.<sup>2</sup> His volume incorporates a number of the documents, and is furthermore valuable for the light thrown upon the state of the finances, badly disorganized by reason of the depreciated paper currency. Judge Martin's account of the events of this period is succinct and restrained on the whole. His verdict is that, "Posterity, the judge of men in power, will doom this act to public execration. No policy justified, no necessity demanded the resort to capital punishment."<sup>3</sup> Fortier's History covering these years includes a few of the more important documents, but his treatment of the subject under scru-

---

NOTE BY THE EDITOR OF THE QUARTERLY. This paper is based on a study of translations of the copies of documents concerning the subject matter in the library of the Louisiana Historical Society in the Cabildo at New Orleans. These documents have been translated by Laura L. Porteous and they will be printed from time to time in the *Quarterly*.

<sup>1</sup> Printed in B. F. French, *Historical Collections*, Vol. V.

<sup>2</sup> *Les Dernières Années de la Louisiane Française*.

<sup>3</sup> *History of Louisiana*, 208. This work was published in 1827.

tiny is not nearly so complete as that of some other writers.<sup>4</sup> Gayarré has treated at great length the whole story, and his work includes translations of a number of the documents, but his narrative stands apart from that of other historians in that it is penned from a pro-Spanish point of view. Among recent writers who have dealt more or less briefly with this eventful chapter in Louisiana history are Ficklen, Phelps, Waring and Cable, Kendall, Chambers and Miss Grace King. The attitude of these, with one or two exceptions, is indicated in the words of Professor Ficklen, who refers to the execution of the five Frenchmen as "judicial murder." On the whole, odium has attached to the name of the famous Spanish general, who has come down in history as "the Bloody O'Reilly."

Among all the writers mentioned above there is little or no disagreement as to the main facts involved in this the first "*cause célèbre*" in Louisiana history. But disagreement arises as to the proper interpretation that should be placed upon the more pertinent facts or events. The set of circumstances connected with the taking possession of the territory secretly ceded by France to Spain are unique among similar transactions of the eighteenth century. Baffling questions of law and of procedure are involved; knotty problems confront the present day investigator at almost every turn. Until all the records of the so-called "trial," now reposing among the archives of Spain, are made available, it will not be possible to pass a final verdict upon the responsibility or culpability of the various participants involved. It is with a considerable degree of reserve that the present attempt is made to re-examine the Ulloa-O'Reilly regime in the light of the documents in the Cabildo bearing on the doings of these two officials. These documents have been made available by Miss Laura L. Porteous, the translator, under the supervision of the Editor of the *Quarterly*, at whose instance and encouragement this study has been undertaken, in the hope of at least opening the door for further consideration. Before proceeding, however, to set forth the causes leading to the summary ousting of Ulloa it will be worth while briefly to recall the condition of the Colony of Louisiana at the time when it passed from the dominion of France to that of Spain.

<sup>4</sup>The volume entitled "Historical and Biographical Memoirs of Louisiana" (Chicago, 1892) covering this period teems with inaccuracies. Villiers du Terrage is more severe in his indictment of O'Reilly than any other writer. See his work, pp. 303, 308-309, 318, etc. John R. Ficklen's account is in McCaleb, *The Louisiana Book*, 23-40. Henry E. Chambers has two chapters of an unbiased nature in his *Mississippi Valley Beginnings*, and a more extended account in his *History of Louisiana*, I, Chapters 43-46.

From the date of the founding of Biloxi by Iberville until the cession of the province of Louisiana by Louis XV to Charles III, sixty-four years had elapsed.<sup>5</sup> The total population of the province ceded to Spain has been variously estimated at from 8,250 to 11,500, over half of whom were Negroes.<sup>6</sup> The colonists were engaged in the cultivation of rice, indigo, and tobacco; grain was grown to a limited extent, flour, however, being imported; stock raising was engaged in on a small scale. The trade in indigo, amounting to 82,000 pounds in 1762 was ruined by the transfer to Spain, since the French market for that commodity was thereby cut off.<sup>7</sup> Eight years previously exports of lumber to the French West Indies were valued at 180,000 livres annually, the return cargoes consisting of sugar and liquors. Large amounts seemingly of wine and of brandy were imported, considering the sparse nature of the population. An illicit trade with England continued until 1763.<sup>8</sup> As might be expected the fur trade was an important industry.

For years the finances of the province had been in a deplorable condition. Paper money was practically the only form of currency.<sup>9</sup> In May, 1769, Aubry declared there was an absolute lack of specie, and the notes of the French and Spanish commissaries were without value. Repeatedly he alludes to the lack of funds and of resources necessary for the conduct of the administration. He recited the loss due to the delay of payment of many bills of exchange for salaries signed by Foucault; he was forced to advance money to the troops and to provision at his own expense the various posts; his salary for six months was overdue, and he had been compelled to sacrifice his patrimony for the needs of the service. No person would lend anything.<sup>10</sup> He concluded by asserting the country was in "frightful misery." In their petition to the Duke of Praslin, of March 20, 1769, the inhabitants, merchants and colonials of Louisiana declared the colony had been drained by the considerable loans made His Majesty

<sup>5</sup> The most recent work throwing light on the early history of Louisiana are the scholarly volumes edited by Rowland and Sanders, *Mississippi Provincial Archives, 1701-1763, French Dominion*, (Jackson, Miss., 1929).

<sup>6</sup> Martin, 206, estimates the population of New Orleans at 3,190. Foucault estimated the population of the city and neighborhood posts at 5,452. Cf. Villiers du Terrage, 231.

<sup>7</sup> N. M. Miller Surrey, "French Industries in Louisiana," *Miss. Val. Hist. Rev.*, 1x, No. 3, 234.

<sup>8</sup> Surrey, *The Commerce of Louisiana During the French Regime, 1699-1763*, pp. 183, 371, 376, 381, 385, 463. Miss Grace King has a critique of this work in the *Qy.*, V, No. 1 (Jan. 1922).

<sup>9</sup> *Ibid.*, ch. xl, 129.

<sup>10</sup> Aubry plaintively writes: "I have asked it (money) from all sides, but no one will lend it to me."



since 1759. By an edict of October, 1769, Louis suspended the payment of seven million livres of royal paper, which had depreciated to one-quarter of its face value.<sup>11</sup> One source of grievance to the colonists was that the paper money was not redeemed at par.

It can readily be seen that the state of the finances would constitute a source of grave discontent, working especial injury to the merchants. De Grimaldi, writing to the Count de Fuentes, February 23, 1769, expressed his belief that the revolt was probably due to the state of the currency. Bobé, in a statement to General O'Reilly, August 28, 1769, pertaining to the expenses of the province under the Spanish administration, alludes to the certificates and bills of exchange upon the treasury which, for lack of money, were "in the hands of the public, who have received them in payment, with all confidence that has been inspired in them in this respect by Messrs. Ulloa, Aubry and Foucault."<sup>12</sup>

In their appeal to the Duke of Praslin, referred to above, the inhabitants of Louisiana protest their "inviolable attachment to His Most Christian Majesty," and express their longing to have preserved to them "the precious and inestimable title of French citizens with which we hope to live and die." Writers dealing with the history of this period stress the loyalty and attachment of the colonists to the French Crown, though it is difficult to see what the French monarchs had done to merit such devotion. The policy of the French Government toward Louisiana has been characterized by one writer as one of systematic neglect, while under one administration at least the corruption is said to have been notorious.<sup>13</sup> According to Gayarré the province had been in a starving condition for sixty-seven years. Three-fourths of the inhabitants were said to be in a virtual state of insolvency at the time of the cession of the province.<sup>14</sup> Aubry declared the weakness of the government for many years had prevented the observance of the laws, and he depicted the inhabitants as being in a desperate plight.<sup>15</sup>

<sup>11</sup> Gayarré, II, Appendix, p. 368.

<sup>12</sup> There are numerous allusions in Gayarré's second volume to the disordered state of the finances. See pp. 37, 51, 53, 101 (quoting D'Abbadie), 159-160, etc., Villiers du Terrage, ch. xl, contains a detailed statement of the financial situation. Foucault's letter on the state of the finances in 1766, is printed on pp. 230-232.

<sup>13</sup> Kendall, *History of New Orleans*, 1, 17. Cf. W. R. Shepherd, "The Cession of Louisiana," *Polit. Sci. Qy.*, xlx, 455.

<sup>14</sup> Vol. II, 163.

<sup>15</sup> *Ibid.*, 226-227. For Aubry's impression of the province in 1763, see Villiers du Terrage, 207. The success which has attended the French administration of Morocco in modern times demonstrates that their comparative failure in Louisiana is not to be accounted for by defects inherent in the French nature.



D'Abbadie in June, 1764, referred to the spirit of insubordination and independence that had manifested itself under several administrations.<sup>16</sup> A love of freedom ever characteristic of the frontier accounts, according to one school of American historians, for the spirit of republicanism that animated some of the leaders of the revolt. Surely here was to be found the stuff out of which revolutions are made.

It is hardly a matter of surprise that when the people of Louisiana learned in the fall of 1764 of the transfer of the province to Spain they should have been greatly agitated.<sup>17</sup> In spite of the failure of Jean Milhet's mission in securing a revocation of the act of transfer, a belief that this might be accomplished, or that after all the cession was not irrevocable, was to persist for three years.<sup>18</sup> Thus we find Aubry in September, 1769, using such language as "if the retrocession of Louisiana has no place," "if the retrocession had place." When one of the leading officials of the province could at this date still entertain doubt as to the finality of the transfer, is it surprising that leading members of the community should persist in hoping against hope that sooner or later they might be restored to the allegiance of their beloved France?

In July, 1765, Ulloa announced his approaching arrival from Havana. He reached the Balize the middle of February of the year following, and on March 5th entered New Orleans. The new Governor on his arrival announced he would change nothing in the administration save the name of the Prince. He was received with all possible propriety, being assured of the homage of the various corporations, and "all the inhabitants seemed to submit." In consequence of letters patent addressed to the French Governor of the province, the cession was duly registered by the Superior Council.<sup>19</sup> Both Aubry and Foucault, the latter being designated as president of the Council and as holding the office of commissaire ordonnateur for the Court of France, represented to Ulloa the necessity of having himself recognized according to custom. And here, it would seem, that official made a serious mistake in not showing his credentials and appealing to the act of cession. Doubt indeed has been cast upon whether he possessed

<sup>16</sup> On the other hand this "spoiled child of American historians" was regarded by the French colonial administrators as an ungrateful daughter. Villiers du Terrage, 308.

<sup>17</sup> Gayarré, II, 112-113.

<sup>18</sup> According to Aubry the letters of the deputies gave the people to understand that the province would remain with France.

<sup>19</sup> The King's letter to D'Abbadie announcing the cession of Louisiana was dated April 21, 1764. See the *Qy.*, Vol. 14, No. 3, 349 (July, 1931).

such.<sup>20</sup> Thinking, however, that he did not have sufficient troops to make his authority respected in the Capital, the French troops having refused to enter into the service of the King of Spain, Ulloa refrained from taking formal possession of New Orleans, though the standard of Spain was raised some months later "in all the places." Accordingly a dual administration was provided for. As the record states, the new Governor "has agreed with Mr. Aubry to govern under his name." Aubry's position was certainly an extraordinary one. He wrote:

"I command for the King of France and at the same time govern the colony as if it belonged to the King of Spain. A French commandant is accustoming Frenchmen to Spanish rule. The Spanish governor asks me continually to issue ordinances touching police and commerce which surprise everyone."<sup>21</sup>

Thus at the request of Ulloa Aubry consented to establish some forts on the river as the English had done on their side of the stream. This joint control exercised by Aubry and Ulloa was based upon an agreement entered into by these two officials. The former writing to O'Reilly under date of August 20, 1769, in response to a request for the names of the leaders of the conspiracy and other details, said: " \* \* we have agreed that while waiting the troops from Spain, we would consult together in all that concerned the welfare and profit of His Catholic Majesty and that we would direct affairs as much as possible as if the country belonged to the King of Spain." "All the Colony," he wrote, "was regarded as Spanish." When La Frénière questioned Aubry as to Ulloa's taking possession, that individual concluded his statement by agreeing that he believed that the act signed at the Balize by himself and Ulloa was valid and definite but it must be recognized that it had not been entirely fulfilled in every instance.<sup>22</sup>

For three years the affairs of the province were administered jointly by these two officials. The Spanish Governor was cautioned by Aubry that the inhabitants of Louisiana must be led by gentleness, that they could not be driven; for if governed despotically, they might go over to the English, by whom they would certainly be well received. Unfortunately as the sequel was to prove Ulloa was not the type of official to "employ every means possible to win over the minds of the people and to make them alter their prejudices." On the contrary his manner and course of action

<sup>20</sup> Gayarré, II, 193.

<sup>21</sup> Villiers du Terrage, 247.

<sup>22</sup> *Ibid.*, 260, cf. French, *Hist. Colls.*, V, 157.

were such as to contribute in part to his own undoing. His rule was not characterized by that "prudence and sweetness" that Aubry prided himself so much upon after the ousting of Ulloa had left him in sole command.

The memorable uprising of October 29, 1768, resulting in the expulsion of Ulloa and the subsequent departure of the Spanish frigate, like all similar movements, cannot be ascribed to any single cause. There were a variety of motives animating the leaders of the revolt, though naturally some of the causes that led to the uprising stand out in bolder relief than others. Not only was the conspiracy long planned and carefully organized, but it took the officials completely by surprise. According to Aubry, who declared he had no inkling of the conspiracy until October 25th, the mass of the inhabitants were led astray "by some dozen factionists whose affairs were in the greatest disorder, blinded by passion, self-interest and the hope of reestablishing their fortunes by a revolution."

One characteristic of the Spanish colonial regime in the New World was its dilatoriness in acting when confronted by an emergency.<sup>23</sup> Aubry's observation was a sound one when he wrote that the delivery of the Colony was unhappily delayed too long. At the same time it should be remarked, as was pointed out by the Marquis of Grimaldi, there was never any stipulation as to the time when Spain should take possession of Louisiana.<sup>24</sup>

Any attempt to ascertain the causes of the revolt of 1768, must take into account the personality of Ulloa. He was a man of distinguished attainments, and has been described as having a "kindly disposition and enlightened views." Nevertheless the fact remains that he succeeded in incurring justly or unjustly the hostility of those under his rule, and to certain measures connected with his administration, may definitely be ascribed the uprising resulting in his expulsion from the Colony. Thus Aubry, who could not have had any motive for setting forth in an unfavorable light, the new Governor's conduct of affairs, declared the hatred entertained towards him was one of the causes of the revolt. According to the same official the animosity felt towards Ulloa was general. His successor, wrote Aubry, must be a more pliant character; Ulloa had excited the minds of the people by his despotism and by the most manifest infraction of the laws

<sup>23</sup> Striking illustrations of this may be seen in W. E. Dunn, *Spanish and French Rivalry in the Gulf Region of the United States, 1763-1768*. (Austin, Texas, 1917).

<sup>24</sup> Gayarré, II, 179.



and customs; his conduct was affirmed to be the only cause of the disobedience of the inhabitants. D'Acosta, writing to Aubry, warned him that authority over the provincials must be exercised "with sweetness and reasonableness." Foucault, whose conduct throughout was justly characterized by O'Reilly as "perfidious and criminal," asserted that at least one thousand inhabitants were animated by a kind of fury against Ulloa; disgust had been inspired by his conduct. In his letter of March 20, 1769, Aubry remarked

"that Mr. Ulloa has (introduced) into the government of the Colony some ideas little analogous to the French nature, so that the inhabitants and savages fear this domination. Though Mr. Ulloa is a man full of merit, of learning and talent, but contrary to the custom of his nation he is extremely hasty (vif) and that he would not listen sufficiently to the representations that were made to him, which caused discontent among those who had transactions with him. Mr. Aubry has cautioned him that the inhabitants of Louisiana must be led by gentleness, that in receiving them with honor and with feeling one could do with them what one pleased, but if they were governed despotically it is to be feared that they might abandon their land to go over to the English. Mr. Aubry thought then that he must make this remark to Mr. Ulloa because he had found out that 'the inhabitants murmured at the despotism and haughtiness with which he governed.'"<sup>25</sup>

The French colonists loved their mother land, their mother tongue and their old customs; they were smarting with resentment at being summarily handed over to Spain. So far from soothing their susceptibilities, it is clear that Ulloa had intentionally or unintentionally only succeeded in intensifying their mistrust of all things Spanish.

As in the case of the English speaking colonists, if there was one thing that the French of Louisiana were concerned about and resented any interference with, was the matter of their commercial interests. It is hardly an exaggeration to say that not only the prosperity, but the very life of the Colony, was dependent

<sup>25</sup> Gayarré, II, 181, finds him "aimable, but nervous and excitable;" Fortier, I, 161, says Ulloa was lacking in tact. According to Ficklen, he had an unpleasant and inflexible personality. Other estimates are given by Chambers, as cited, 91-92; *History of Louisiana*, I, ch. 44. Villiers du Terrage, 229. For Champigny's severe indictment, French, V, 152, 185, note (Foucault's estimate). Waring and Cable, *Social Statistics of Cities*, 15, affirm "he was the wisest and kindest well-wisher of Louisiana," exercising a really mild and liberal rule.

upon enjoying freedom of commerce with the French Islands, let alone trade with the savage nations, as well as a continuance of the illicit traffic with the English.

At Ulloa's request Aubry in September, 1766, proclaimed with a detachment of troops an ordinance upon the subject of commerce. The inhabitants were irritated and thrown into a state of alarm by a measure which, in the interests of the consumer, regulated prices, and which enjoined upon ship captains coming from Santo Domingo and from France the necessity of receiving in payment for their merchandise the current paper money of the country. It was furthermore stipulated how much of the native products of the province should be taken on the return voyage, the outgoing cargo depending on the size of the load brought in. According to the records Foucault succeeded in appeasing the merchants, and promised them, in lieu of a new order, that this ordinance would not be enforced. That provision of the decree, however, requiring vessels coming from France to be provided with Spanish passports seems to have been enforced, for as will be seen below, this was one of the arguments made use of by the prosecutor, Felix del Rey, that Spain had been in lawful possession of the province. De Grimaldi writing to the Count of Fuentes under date of February 23, 1769, asserted that no fetters had been placed upon the commerce of Louisiana by Ulloa. It has been pointed out that several months previous to the promulgation of the above ordinance, he had granted limited facilities for trade with the Spanish colonies, while at a later date concessions of a similar nature were granted touching trade with France.<sup>28</sup> The fact remains that however well-intentioned Ulloa's measure of 1766 may have been, it only succeeded in arousing or stimulating the ill will of those classes in New Orleans whose interests were affected.

Of a far more serious nature, so far as the commercial interests of the Colony were concerned, was the decree of 1768 which "decided the revolution of the 29th of October." All classes in the community, frightened at the menace which they believed now threatened their business interests, addressed themselves to the Superior Council for the purpose of having the measure revoked. It was pointed out by the spokesman of these how ad-

<sup>28</sup> Villiers du Terrage, 238. According to Bolton and Marshall, *Colonization of North America, 1492-1783*, 398, Ulloa restricted all trade to Spanish vessels and certain specified Spanish ports. This he had done however against his better judgment. See Gayarré, II, 308-309.

versely the fortunes of the colonists would be affected by the provision restricting the commerce of Louisiana to certain Spanish ports, to be carried on in ships of Spanish construction, with the captains and two-thirds of the crew of that nationality. They would now be deprived of the only market for their wood, which had been shipped for many years to Santo Domingo and to Martinique. The dean of the council of Port-au-Prince, in a letter to the Superior Council, dated February 9, 1769, said the people of Louisiana were miserable by reason of the loss of their commerce; their wood was very necessary to Port-au-Prince. The merchants set forth that the commerce decree excluded them from trading with the savage nations, and charged Ulloa with granting an exclusive trade with the Indians to five or six private parties. Not only would this deprive them of the means of increasing their fortunes, but would jeopardize their lives at the hands of the savages who, not taken into political consideration, were willing to exchange their pelts for the merchandise of Louisiana that were to them a need of the first necessity. The petitioners observed that these pelts had less value in Spain "as they are put to very little use there." Even such as were used there were dressed in foreign countries. Spain could be supplied with sugar, wood and indigo from Havana, Peru and other Spanish possessions "much more preferable than those of Louisiana." The merchants further represented that Ulloa's order to use only the northeast pass at the mouth of the river would put all their ships in a position to be wrecked. Such were some of the more important provisions of the commercial decree of 1768. It is only fair to add that, in order to facilitate trade, no duties were to be levied upon shipments coming from the mother country. The Memorial sent back to their home government by the leaders of the revolt alleged as one of their grievances the prohibition against bringing Negroes into the colony from Santo Domingo.<sup>27</sup>

Aubry declared that the inhabitants feared that if their commerce were cut off with the French Islands, there would be no market for their lumber or wood. In his opinion the greatest advantage of the Colony would be freedom of commerce with the Islands or with France. Foucault likewise believed the colonists should be granted freedom of commerce. Caresse, charged by

<sup>27</sup> Fortier, *History of Louisiana*, 1, 190, 195. A decree of May 6, 1766, permitted direct commerce between Louisiana and the French Islands.



Felix del Rey with being the author of the seditious petition addressed to the Council, attributed the origin of the revolt to the commerce decree. The prosecutor just named, in his *proces verbal*, charged the leaders of the revolt with "crying out against the decree sent from Madrid," and with "making this decree most appropriate to excite a conspiracy and to shake off the yoke of Government." The people, he alleged, were led to believe the decree destroyed the Colony without resource and reduced the inhabitants to the greatest misery; that if it were enforced the people would soon see themselves in a more unhappy state than that of slaves. The narrow view of Felix del Rey as to commercial regulations is in striking contrast with the attitude of Unzaga, whose rule was a popular one, since he shut his eyes to English smuggling in the lower Mississippi river. He realized that without this contraband trade the Colony was in danger of starvation.

It would be superfluous to examine in detail the long and incongruous list of charges lodged against Ulloa by the spokesmen of the inhabitants of Louisiana.<sup>28</sup> Some of these were of an entirely frivolous nature. Of a more serious character was the matter of the currency, which the citizens wanted redeemed at par. Ulloa consented to recognize the paper money left in the Colony by France as the lawful circulating medium at its market value, until he should receive instructions from his government as to its retirement. But the temper of the inhabitants was such that they refused to recognize that Ulloa was powerless to accede to their wishes in regard to the redemption of the depreciated paper. They were in no mood to make a nice discrimination as to his limitations in the way of temperament and of handling those under his rule in a tactful manner, and on the other hand his lack of responsibility for the grievances, real or imaginary, of which they complained. So in their appeal to the Duke of Praslin of March 20, 1769, describing their misfortunes and protesting "their inviolable attachment to His Most Christian Majesty," the inhabitants, merchants and colonials of Louisiana declared the Colony was on the verge of ruin in consequence of the thirty-one months of sojourn of an officer "calling himself Governor for his Catholic Majesty."<sup>29</sup> Touching the currency the

<sup>28</sup> The documents containing these are printed in Fortier, *History of Louisiana*, 1 ch., xi (the Memorial); the petition is printed in Gayarré, II, 367-383.

<sup>29</sup> Villiers du Terrage, 230-232.

commissioners sent to Paris succeeded in getting the French Government to agree to fund the colonial debt at three-fifths of its face value in five per cent bonds.<sup>80</sup>

The Marquis de Grimaldi, writing to the Count de Fuentes, February 23, 1769, expressed the opinion that the revolt probably arose in consequence of the funds being reduced in notes that had neither circulation nor value. He believed it was frivolous and ridiculous to charge the debts incurred by the Spaniards as exciting the natives to rebel. For these amounted to only 30,000 or 40,000 piastres, and had been computed and paid by means of the 100,000 in Havana, and from the 250,000 of the subsidy of the year 1768, which should have not been delayed in arriving. One of the charges brought by Felix del Rey against Villeré, one of the leaders of the conspiracy, was that he had "the temerity to surprise Mr. Maxent on the German Coast and carrying off a part of the money that was destined for the Germans from Don Antoine de Ulloa in payment for grain that these Germans had consumed in His Majesty's service." The sole aim, it was averred, of this bold action was to prevent payment being made for the grain because the rebels were afraid that the Germans and the Acadians, whom the leaders and the chiefs had already aroused to revolt, would be appeased by this payment.

Aubry writing under date of March 8, 1769, affirmed "they (the Germans and Acadians) think they do a heroic act by withdrawing from the Spanish domination that they have been made to fear and think tyrannical." In another connection he declared the inhabitants had been frightened by the despotism introduced into Mexico. Joseph Milhet, charged with being one of the leaders of the revolt, was alleged to have represented to those who were reluctant to sign the petition to the Council, that "measures had been taken so that what was due them by the Spaniards would not be lost." In all probability there was a measure of truth in the statement of Aubry that the Council, the governing body of the Colony, feared it would be suppressed in consequence of Spanish rule. By the same official the movement resulting in the expulsion of Ulloa was represented as the work of some dozen factionists, whose affairs were in the greatest disorder, and who hoped to repair their fortunes by seducing the people from their allegiance. The Spanish point of view was set forth in the charge

<sup>80</sup> Gayarré, II, 275.



of Felix del Rey that "some persons discontented with the new domination and disgusted with a government that had already begun to declare itself unfavorable to their system in proportion to this that it destroyed the degree of authority that they had acquired in the Colony."

Among those whose affairs were in the greatest disorder was Foucault, the intendant. He was heavily involved to numerous creditors to the extent of 60,000 livres. One of the interesting documents to be printed for the first time is the inventory of his property that was sequestered by the Crown and sold at public auction. It will be seen that Foucault was a man of luxurious tastes. Joseph Ducros, the attorney for vacant successions, deposed he had been forced to lend Foucault 36,000 livres in old notes, which sum by the King's decree was reduced to 21,000. Described by O'Reilly as "vain and ambitious," Foucault averred some five months after the revolution that he called the Council in its memorable meeting of October 28, 1768, to avoid a resort to force; the same motive, he alleged, caused him to permit the election of seven or eight syndics. As a matter of fact six new councillors were designated on this occasion. It was a curious statement emanating from Foucault that bad persons, who were in debt, had sought the overthrow of the Colony. Pierre Duvergné, his secretary deposed that Foucault was very much opposed to all that was done against the Spaniards; that if things were carried to extremity, he would range himself at Aubry's side and leave with all the papers of accounting for France. When all the facts, however, are envisaged from the standpoint of the present day investigator, Foucault's share in the revolutionary movement remains at best a highly dubious one. He may be credited with having given a successful exhibition of running with the hare and of hunting with the hounds, and with it all of having saved his neck in the end.

So carefully was the conspiracy organized by its leaders, and so effectively were the real and imaginary grievances and fears of the body of citizens worked upon, that the so-called revolution was swiftly accomplished without the shedding of a drop of blood. One of the leaders, Noyan de Bienville, was accused by Felix del Rey with "having scattered the first seeds of rebellion." Aubry in his account of the exciting events eventuating in the overthrow of Ulloa, wrote that "all the city was in an uproar on the

evening of the 28th of October." In another connection he refers to the "whole armed colony on this occasion." Whatever may be the verdict of history as to the part played by Aubry throughout the whole affair, his course of action was on the whole consistent. There was something of the martinet in his make up. His outlook was narrow though not vindictive. From first to last his one controlling motive seems to have been his desire to demonstrate his subservience to the interests of "His Most Catholic Majesty." Villiers du Terrage charges him with passivity at the time of the crisis, and the indictment is not without warrant. Though he protested over and over again his readiness to shed the last drop of his blood if necessary to prevent any desecration of the flag of Spain, the fact remains that he never struck a blow. His plea for not resorting to force was based on the fact that he had only 110 troops upon whom he could rely, and upon his reluctance to shed blood. He was superlatively cautious. He says he would have arrested Foucault if he had been placed in different circumstances, but it is difficult to imagine any set of circumstances in which he would have taken this step. Instead of arresting him and La Frénière, as it would seem he might have done, he confined himself to protests, prayers, threats, reminding La Frénière that former leaders of conspiracies always had tragic ends! On the other hand Aubry "points with pride" to the fact that Don Joseph D'Acosta, commander of the "Volant," commended him for having used his authority with "prudence and sweetness." Aubry's disposition to temporize, his counsels of prudence and moderation, merely suffered the fate that usually attaches to such in a time of crisis. His course throughout while thoroughly discreditable, was on the whole consistent. Some, no doubt, will attach significance to the statement of Gayarré that the Spanish government made Aubry a present of \$3000.<sup>21</sup> Chambers in his *History of Louisiana* accuses Aubry of venality and asserts that "much of the blame for cruelty subsequently ascribed to O'Reilly must be borne by Aubry, for this cruelty was without malice so far as O'Reilly was concerned. A new comer to the colony, he could only act upon the established fact of Ulloa's expulsion, and upon the information thereon furnished him by Aubry." And again, "Aubry, and Aubry alone, must shoulder the onus

<sup>21</sup> *Ibid.*, II, 186. Champigny's estimate of Aubry is on the whole judicious. French, V, 153-155

that otherwise would be borne by O'Reilly for the death of La Frénière and his fellow-martyrs."

Inasmuch as different dates have been given by writers for the departure of Ulloa, it is well to restate the circumstances connected with his withdrawal, which were as follows: On October 27, that official notified Aubry he would conform to what the Council should decide with regard to his fate. The following evening accompanied by his wife, he retired to his frigate. He was escorted by an officer and twenty soldiers whom Aubry had detailed for his protection. Aubry protested against the decree of the Council enjoining Ulloa to embark "in less than three times twenty-four hours to go to render an account of his conduct to His Catholic Majesty." The same evening, according to Aubry, Marquis left to accompany the Governor as far as the Balize. There is no evidence for the story told by different writers to the effect that Ulloa's vessel was cut loose from its moorings by an hilarious wedding party, though Joseph Petit is specifically mentioned in the records as the one responsible for hastening Ulloa's departure by untying the ropes that bound his vessel. That individual arrived in Havana December 3rd. The resentment entertained by the rebels' party for all things Spanish included the frigate, the "Volant," whose delayed departure was a source of irritation to the leaders, and whose safety caused Aubry many an anxious moment. As a matter of fact the vessel did not sail from New Orleans until April 20th, remaining at the Balize until May 8th. Twice Aubry, on December 14, 1768, and on February 30, 1769, addressed the Council on this subject. While sentiment had been virtually unanimous with regard to the dismissal of Ulloa, a difference of opinion was disclosed with the passing of time as to the wisdom of employing coercive measures for the purpose of effecting the speedy departure of the frigate. Even La Frénière, the head and front of the insurrectionary movement, is said to have made every effort to avoid a resort to force to hurry the vessel's withdrawal.

In his correspondence Aubry depicts the nine months subsequent to Ulloa's departure as a period of confusion and of disorder. He represents the inhabitants as being animated by "fury and frenzy," by "dizziness and blindness."<sup>32</sup> Twenty times, he

<sup>32</sup> He writes: "A thousand senseless projects have followed each other; projects of a republic and a bank modeled upon that of Amsterdam and Venice; disquieting seditions and commotions; the most audacious written matter; the most rebellious discourses."



asserts, the rebel group and the smaller Spanish element were upon the verge of slaughtering each other. In the disturbed state of mind to which he was a prey perhaps he has exaggerated the gravity of the actual state of affairs. He dwells upon the desperate plight of the Colony, without specie, and upon the loss sustained by reason of the indecision as to the state of the old paper money that had been retired, and whose fate the Crown had not pronounced upon. The keeping of the savage nations quiet was a matter of grave concern to him. His greatest difficulty, however, was a lack of funds. As already intimated, his supreme care and concern was to make the flag of Spain respected, and to merit the approval of that power touching his own loyalty. In April of 1769, he wrote the agitation was much less, comparative calm prevailed, the rebels' party was diminishing daily, a reaction having set in against the leaders. Finally in May he expresses the opinion that with the receipt of irrevocable orders from the King of Spain as to the cession of the province, with pardon and forgetfulness for the past—with the exception of a small number of the seditious, who should suffer just punishment—he was convinced a new governor could quietly take possession.<sup>23</sup>

It was at seven o'clock on the morning of July 24, 1769, when Aubry received a letter from the commanding officer at the Balize announcing the approach of Don Alexandre O'Reilly, with a great number of vessels and troops. The news spread instantly throughout the city, affording Aubry the greatest joy, but causing the most violent alarm to the leaders of the conspiracy.<sup>24</sup> Aubry sought to reassure them by advising a prompt submission; for by so doing they would have every reason to expect clemency and leniency at the hands of the Spanish general. Aubry may be given credit for hoping that such a course would mark the advent of O'Reilly, but whatever sentiments of such a character as he himself may have entertained were effectually smothered by his readiness in carrying out the instructions of O'Reilly with respect to the arrest and subsequent treatment of the leaders of the re-

<sup>23</sup> Once Aubry wrote the disorder continued until December 14, 1768; on another occasion he says it continued till February 15, 1769; still another time he reports a violent crisis lasting until March 8, 1769. Finally he asserts calm was restored by April 14th of this year. Then in a letter of May 23, 1769, he refers to a new storm since April 10th concerning the Spanish frigate. In his letter of August 20, 1769, to O'Reilly he says the colony was inflamed for nine months until the arrival of the General who, in a moment, had re-established peace and quiet.

<sup>24</sup> For an illustration reflecting the terror of the people of New Orleans during the first days of O'Reilly's rule, *Qv.*, x, No. 4, 606 (October, 1927).

volt. Had Aubry used his influence to secure a more lenient course with respect to the punishment of those who had so grievously offended against the laws of Spain, his name would not have incurred the reproach in this regard that he has so justly merited from more than one writer. As it was he welcomed the proposal of La Frénière that he, with Marquis and Milhet proceed to assure O'Reilly in person of the entire submission of the inhabitants, at the same time imploring that official to intercede for the offenders before his royal master. The account given by Martin and repeated by later writers of the reception accorded this deputation is misleading.<sup>35</sup> So far from promising the deputies immunity for the past, O'Reilly did not deceive them, saying "he did not know anything of the province nor the people, that he would examine into all the events of which they have spoken, that he could be depended upon to do all the good possible, with great pleasure, and no ill that might not be very much justified, nor likewise very necessary." Language could not be plainer than this. To charge O'Reilly with duplicity or with ambiguity in that in his reply he lulled these spokesmen on behalf of the body of citizens into a false sense of security, would seem to be unwarranted.<sup>36</sup>

On August 18th General O'Reilly took possession of the province "with all the splendor, pomp and dignity worthy of the monarch who had sent him." On that occasion Aubry addressed the inhabitants as follows: "From this moment you are the subjects of his Catholic Majesty, and in virtue of the orders of the King, my master, I release you from your oath of fidelity and obedience that you made to His Most Christian Majesty." The day following Aubry received a letter from O'Reilly requesting that he be informed of the causes of the revolt and with the names of those responsible for the violent expulsion of Ulloa. Aubry immediately complied, furnishing the information desired as well as the names of seven of the leaders. Some two weeks later however, he wrote he was not quite certain of the names of all the leaders of the rebel's party to venture to indicate them. On the morning of August 21st the leaders of the conspiracy having been assembled, under different pretexts at the General's house, they were put under arrest. O'Reilly addressed them as follows:

<sup>35</sup> Martin, 204.

<sup>36</sup> For O'Reilly's reply to deputies, see *Qv.*, Vol. 5, No. 1, 17, (Jan., 1922), cf. Villiers du Terrage, 298.

"He (the King) has ordered me to arrest and judge according to law, the authors of all these excesses and all these outrages" \* \* \*  
 "I wish that you may be able to prove your innocence" \* \* \*  
 "You will produce all your defenses before equitable judges who are before you, it will be they who will prepare your process and who will judge you".<sup>27</sup>

Aubry expressed surprise that the presence of one person should have so quickly established order and peace. With the exception of the small number of families "who are in consternation because of the just disgrace of their relations who have been arrested, all the rest of the Colony is calm and contented". It may readily be imagined that whatever "calm" obtained was that of fear and despair lest the fate which had befallen the leaders of the revolt should only be the prelude to further arrests. Proof of this would seem to be found in the proclamation of August 26th in which the Spanish General promised pardon and protection to all the inhabitants with the exception of those arrested, and who would be judged according to the laws. So far as the unfortunate prisoners were concerned, O'Reilly reiterated his intention of putting at the disposal of the accused all proper and possible means for their justification, even questioning them himself. Among those thus interrogated was Foucault, referred to in the *proces verbal* as the "13th criminal" by Felix del Rey, the official prosecutor.<sup>28</sup> When questioned by Aubry, by Salzedo, an officer, and by Garic, greffier or notary, as to the charges imputed to him, Foucault declined to take an oath or even to answer any of the questions put to him, remaining according to the record, a "voluntary mute". Denying the jurisdiction represented by these officials, and maintaining that whatever acts he had done had been done in the name of the King of France, he demanded to be instantly sent to that country to justify himself. He alone of the defendants demanded to be allowed to answer for his alleged crimes before a French tribunal. Though Foucault was adjudged by Felix del Rey to be fully as guilty as any other one of the accused, no obstacle was put in the way of his departure, and on the 14th of October he embarked for France.<sup>29</sup>

<sup>27</sup> Gayarré, II, 303. The record does not bear out O'Reilly's reputed statement to La Frénière: "Rest assured nothing will happen to you." French, as cited v, 192.

<sup>28</sup> There is no warrant whatever for the statement of Villiers du Terrage, 312, that O'Reilly did not dare arrest Foucault. As a matter of fact Aubry at once carried out that General's instructions to arrest Foucault "with the greatest promptness and security."

<sup>29</sup> Villiers du Terrage, 308; 313-315 (interrogation and defense of Foucault). Foucault pleaded he had done nothing save in the character of commissary-general and ordonnateur of the King of France.



Another of the accused who was destined not to be brought to trial was Joseph Villeré, charged with having incited the Germans to revolt. A variety of sensational stories have been printed in explanation of the fate which overtook him. According to the chief prosecutor, Villeré died in prison. But this is refuted by Martin, who states that he was killed in a struggle with his guards on the frigate where he had been confined. Denis Braud, who printed the memoir of the inhabitants, merchants and artisans of Louisiana, escaped the charge of treason on the plea that as official printer of the Colony he was obliged to print whatever Foucault, the Commissaire Ordonnateur sent him. Accordingly he was released.

On October 20, 1769, the licentiate, Don Felix del Rey, named prosecuting attorney in the state's cause, presented the Accusation touching those charged with high treason or rebellion against the King of Spain. This is a long and an interesting document which merits some consideration. In his review of the acts of his royal Master touching the province of Louisiana, the prosecuting attorney proceeds to recite the measures which, in his opinion established Spain's possession of the Colony. In consequence of the act of Cession, the Court of France addressed letters patent to the French Governor of Louisiana ordering him to turn over the province to the person whom His Catholic Majesty would designate for this purpose. In accordance with these Instructions the cession was duly registered and published by the Superior Council of the Colony.<sup>40</sup> When Don Antoine de Ulloa arrived in New Orleans in March, 1766, "all the corporations of the colony received him with the most marked demonstrations of respect." Due to a lack of troops that official resolved to suspend the act of formal taking possession of New Orleans, the affairs of the

<sup>40</sup> "The official instructions to D'Abbadie as to evacuating the province were full and precise; copies of the treaty of cession and the Spanish King's letter of acceptance were ordered to be spread upon the minutes of the Superior Council." Waring and Cable, as cited, 14. It is well established that D'Abbadie received official news of the Cession of Louisiana, September 9-10, 1764. See Villiere du Terrage, 194. The notice of the cession given out by D'Abbadie to the public was contained in a handbill and consisted of an extract from the letter of the King. When this is compared with the full letter, there are sufficient discrepancies to have justified the people in believing that the change was one of rulers only, and not of institutions. For the handbill see, *Louisiana Historical Quarterly*, 14, No. 3 (July, 1931).

Attention should also be called to the *Quarterly* for July, 1931, which contains an account of "The Adventures of Denis Braud, First Printer of Louisiana." His press was used by the revolutionists to print the literature that incited the inhabitants to revolt.

province being administered jointly by Aubry and himself. Some months after Ulloa's arrival the royal standard of Spain was raised at the various posts in the province. Upon the orders of Ulloa the Spanish Commissariat paid "all the expenses of the Province from which France was withdrawing." In his rendition of the accounts to General O'Reilly, Bobé stated that for nearly four years "His Catholic Majesty has had nothing to pay but for light salaries of the officers, soldiers and employees." During the same time all affairs of commerce, war and finance were transacted under Ulloa's direction; the merchants asked passports of him for their vessels; the councillors sometimes asked his approval in matters of justice.

Such were the arguments by which Felix del Rey sought to establish his contention that Ulloa was not only what might be termed the *de facto*, but also the *de jure* Governor of Louisiana. He then proceeds to pass in review the steps leading up to and culminating in the insurrection of October 29th. The laws are cited which call for the penalty of death and confiscation of property of those judged guilty of high treason. The King of France having abandoned to His Catholic Majesty all his rights, as well as those of ownership and possession over Louisiana, the inhabitants of the Colony were obliged by reason of their domicile to loyalty and obedience during their residence in the country or else to make use of their freedom to leave. Since the duty of fidelity attached to residence, even those who had not taken an oath of allegiance were not immune from punishment according to the laws of the Prince offended.

From the *proces verbal* of Felix del Rey may be gathered the nature of the arguments by which the accused leaders sought to clear themselves of the crime with which they were charged. Inasmuch as the specific acts of guilt of which they were charged were not only matters of common knowledge, but were in the main acknowledged in their various confessions, the accused were driven to base their defense upon the contention that no crime had been committed against the King of Spain since the city of New Orleans had not been taken formal possession of by Ulloa; they had not taken the oath of allegiance to that monarch, and therefore had not been released from the one taken to the King of France until O'Reilly took possession. This contention was supported by the language used by Aubry on that occasion.



Among those who made this defense were La Frénière, Mason and Marquis. Thus Mason deposed that he regarded Ulloa as an officer charged to examine the Colony and to assure himself if it suited the King, his Master, or not, with the restrictions not to take possession before he had received orders to that effect from his sovereign. The defense upon which Marquis relied was that affairs were despatched in the name of His Most Christian Majesty, the Prince being prayed for in the French language in the offices of the Church. Moreover Ulloa had not shown the title of his commission, the Council continuing to function in the name of the King of France.

Then all the "defendants" denied or sought to extenuate certain specific acts alleged to have been committed by them. Inasmuch as these are recited in detail in the Accusation of Felix del Rey, it will be necessary to call attention only to some of the more typical of these. Thus one of the charges brought against Joseph Petit was that he had untied the frigate of Ulloa. Another one of the leaders was charged with "declaring publicly against the commerce decree sent from Madrid." Noyan deposed in his defense that the faculties of his mind were troubled at the time of the revolt, alleging in support of this that he had not given the true names and surnames of the signers of the Petition to the Council. Still another affirmed that it was not likely that he was a party to the measures resorted to in the expulsion of Ulloa, since he was without a coat on the day of the insurrection. Of a more interesting nature was the defense of Doucet, the lawyer, who was charged with having drawn up the Memoir sent to France by the inhabitants in justification of their action of October 29th. In a postscript of a letter to Caresse, Doucet makes use of this language: "To prove to the eyes of the nations that no crime has been committed against the natural laws and the rights of the people \* \* \*." This is the nearest approach by way of an appeal to the doctrine of natural rights on the part of any one of the accused. It is interesting to note that eight years later the philosophy of natural and civil rights was to be elaborated in a memorable document drawn up by Thomas Jefferson.<sup>41</sup> Anticipating the members of the Continental Congress, the leaders of the revolutionary movement of 1768 had exercised, when confronted by the show of arbitrary power and oppression, the "sacred right of revolution."

<sup>41</sup> Gilbert Chinard, *Thomas Jefferson: The Apostle of Americanism*, 80-85.

Another principle held in common by one at least of the accused leaders and by the Fathers of the American Constitution was that of a republican form of government. The originator of this was Marquis, a Swiss by birth. Gayarré intimates in his History that he had seen documents bearing on this form of government which were circulated through the province in 1768.<sup>42</sup> Villiers du Terrage quotes some excerpts from the "Memoire contre des Républicains," which appeared in New Orleans.<sup>43</sup> In his declaration Marquis alleged he had never formed the project of a republican form of government, "other than in a joking way, with two or three of his friends, and that he had never drawn up in writing what the witnesses deposed, that the form of this government was detailed, although in his justification he confesses to have written this document and to have thrown it in the fire."<sup>44</sup> Whatever may have been the facts in the case, in the eyes of the Spanish prosecutor the very mention of the word "republican" proved the "spirit of liberty with which he was animated." Not only was there no sentiment among the body of citizens in favor of such a scheme of government, but the proposal of Marquis is said to have met with undisguised hostility.<sup>45</sup> And such we may well believe, in view of the antecedents and traditions of the colonists, to have been the case.

On the whole the final argument of the licentiate, Felix del Rey, discloses an able review of the evidence. He proved a vigorous, and to some it might appear, a relentless prosecutor. The tone of his "juridical request", as might be expected, is at times far from unimpassioned. Now and then a vindictive note is evidenced, as when the prosecutor ridicules the physical proportions of Petit. His inferences as to the guilt of Milhet, in view of the conflicting testimony in his case, are questionable to say the least.<sup>46</sup>

Inasmuch as the overt acts with which the leaders were charged were in the main matters of common knowledge and had, for the most part, been admitted by them in their confessions, there could be no question of their guilt assuming that Ulloa was the lawful Governor of Louisiana. But as has been pointed out

<sup>42</sup> Vol. II, 281.

<sup>43</sup> See his work, p. 285. He credits Marquis with being the first to propose in America an independent republic. De Villiers does not show whence he obtained the document quoted by him.

<sup>44</sup> The translation reads, "to have in this written document," etc.

<sup>45</sup> Villiers du Terrage, 284-285.

<sup>46</sup> Villiers du Terrage, 307, summarily disposes of the Accusation as embodying a mass of charges of extraordinary puerility.

above, this was denied or challenged by the accused leaders. As to the merit of this contention it would seem that the plea that Ulloa had not taken formal possession of New Orleans and the further one that he had not shown his credentials, assuming that he had such, is weakened by reason of the fact that the exercise of authority jointly with Aubry had been acquiesced in for two years by those denying the jurisdiction of Spain. From the moment of the exchange of ratifications of the treaty of cession Spain's sovereignty over the province it would seem was indisputable. There was never any stipulation as to the date when that power should take possession. If the monarch of that country chose to employ French officials for the purpose of administering the affairs of the ceded territory, it was within his competence so to do. The mere taking or not taking of an oath of allegiance in no way affected the validity of Spain's title.<sup>47</sup> If these considerations are valid then it would seem that the argument of Felix del Rey that loyalty attached to residence was a sound one, for it is a generally recognized principle of international law that the legal jurisdiction of a state extends over all persons who are for the time being under its actual control. Had the resort to force on the part of the leaders of the revolt ended in the successful maintenance of their independence against the power and might of Spain, the movement of 1768 might have come down in history as a "glorious revolution." But having failed, it constituted in the eyes of the Spanish government rebellion or treason against constituted authority. After all are not the questions of the formal taking or not taking possession of the capital of the province, of the matter of the taking or not taking of an oath of allegiance, what might be termed, matters of form rather than of essence?

The delay on the part of Spain in taking possession, while quite after the manner of procedure of that nation, naturally led to doubts on the part of the colonists as to the ultimate intention of the Spanish monarchy, while confirming their hopes and beliefs that after all they might remain under the sovereignty of France. This attitude of mind may seem surprising in view of the past history of the Colony, but nevertheless it is one which must be taken into account.

While it may be admitted that from a legalistic point of view Spain was essentially in possession of Louisiana in virtue of a

---

<sup>47</sup> For the oath of allegiance, *Qy.*, IV No. 2, (April, 1921), p. 205.



legitimate title, duly approved by the two parties concerned in the transfer, yet this title remained to be completed by the ceremony of formally taking possession,<sup>48</sup>—a thing which in the eighteenth century was of greater significance than it would be in the eyes of men of the twentieth century. One member of the cabinet council which was held in Madrid in the spring of 1769 to consider the wisdom of Spain continuing in occupation of Louisiana, expressed the opinion that Ulloa took possession of the government only *ad interim*, the act being preparatory to the solemn formality of a final taking possession by the troops he was waiting for.<sup>49</sup> Another member used this language: "because we never made apparent and publicly known to the colonists, by any act of notoriety, the new obligation of vassalage to which they were subjected by virtue of the cession made by His Most Catholic Majesty."<sup>50</sup> This was a virtual admission of the validity of the defense set up by La Frénière and some of his companions. Of equal if not greater significance was the opinion of Aubry expressed in a letter of January 20, 1768, to his government: "a colony which has not known for three years whether it is Spanish or French, and which until the Spaniards take possession, has really no master."<sup>51</sup> It might moreover plausibly be argued that Aubry had not executed the French King's order enjoining the governor of Louisiana to transfer the colony as soon as one came entitled to receive it.<sup>52</sup> Gayarré upholds the compromise arrangement entered into by Aubry and Ulloa, and maintains that France was acting as the trustee of Spain.<sup>53</sup> But the colonists knew nothing of the act secretly passed between Ulloa and Aubry at the Balize, an act which Aubry tells us he signed upon condition of Ulloa taking formal possession upon his return to New Orleans.<sup>54</sup> This private agreement of January 20, 1767, stipulated that the Colony could be delivered up to Ulloa, Aubry to govern it for the time being, though it is said "Ulloa daily extended his powers, and Aubry kept up only a shadow of authority."<sup>55</sup> It should be pointed out that after Ulloa had set up a tribunal of his own, the Superior Council continued to function in the name of the King of France.<sup>56</sup> The upshot of Aubry's acquiescence in the

<sup>48</sup> Gayarré, II, 265.

<sup>49</sup> *Ibid.*, II, 262.

<sup>50</sup> *Ibid.*, II, 253.

<sup>51</sup> *Ibid.*, II, 186.

<sup>52</sup> French, *Historical Memoirs*, v, 163.

<sup>53</sup> Vol. II, 167.

<sup>54</sup> French, v, 156-157.

<sup>55</sup> *Ibid.*, v, 156, 161, note.

<sup>56</sup> Gayarré, II, 224-225; Appendix, 378.

whims of Ulloa, and of the latter's dubious and inscrutable course of procedure, was that virtually two governments, two flags, and two commanding officers prevailed in one and the same country.<sup>37</sup> Aubry wrote:

"I command for the King of France, and at the same time I govern the colony as if it belonged to the King of Spain. The Governor constantly begs me to issue regulations touching the police and the commerce of the colony—regulations which are a source of astonishment to every one. It is not a pleasant task to govern a province which for three years has not known whether it is French or Spanish, and which, until the Spanish take possession, has really no master."

Such was the anomalous state of affairs in the province when the colonists, disgusted at the dilatoriness on the part of Spain and its agents, and smarting with resentment at the restraints put upon the trade of such vital necessity to their welfare, cut through the web of officialdom, ousted Ulloa and took matters into their own hands. That the "admirable beginning of a revolution sank to the level of an *emeute* or local row" does not impugn the motives which at the bottom animated the leaders.<sup>38</sup>

In appraising fairly the stand taken by the colonists and the merits of their defense, let us recall the following considerations. First that to the two Courts of France and of Spain, the secret cession of the territory of Louisiana was a trivial matter,\* its inhabitants being bartered away after the fashion of a sack of potatoes; that the citizenry so affected was not composed of serfs, but constituted a "highly civilized, liberty-loving, brave and thrifty community \* \* \* overwhelmingly French in origin and descent."<sup>39</sup> Furthermore it may be fairly contended that the act of cession certainly implied due evacuation of the province by France at a time and in a manner to be agreed upon by the two powers concerned. A moral obligation rested upon the donee to the effect that the inhabitants of Louisiana should continue to be ruled according to the laws, forms and customs that they had enjoyed

<sup>37</sup> French, v. 159.

<sup>38</sup> Dart, "Courts and Law in Colonial Louisiana," *Qy.*, iv, No. 3, 272 (July, 1931).

\* NOTE. Since this paper was written new light has been thrown upon the treaty of cession by Arthur S. Alton, *Diplomacy of Louisiana Cession*, American Historical Review, July, 1931. He shows the cession was a peace bribe by France to win Spain's consent to an immediate signing of the preliminaries of peace.

<sup>39</sup> Dart, "The Place of the Civil Law in Louisiana," *Tulane Law Review*, 6, 83 (December, 1931).

in the past. It is true Aubry wrote of Frenchmen being gradually molded into Spanish and that the people had looked upon themselves as Spaniards for three years. But he admitted that "they generally have French hearts."<sup>60</sup> And the Superior Council, the custodian of the people's rights and liberties, in their appeal to the callous French monarch, made use of the following language:

"Men are born under laws which become gradually familiar and dear to them, in proportion as from childhood they grow into manhood, when their attachment to them can no longer be destroyed. Men who have reached the meridian of life cannot, of their own free will, remold their character, their heart, their honest and time-honored habits. It can only be accomplished by force."<sup>61</sup>

This extract shows its authors understood the psychology of human behavior better than Aubry did. Is it surprising that the sense of dignity of the body of inhabitants should have been outraged by the transfer to Spain as well as by the oppressive commercial regulations?

So far as the Court of France was concerned the transfer of the province was a trivial performance. As one competent authority puts it: "Few diplomatic transactions have exhibited so strange a medley of motives and emotions,—at once those of impulsiveness, policy, relief, reluctance and practical calculation, all of them pervaded with a tinge of indifference and carelessness."<sup>62</sup> An interesting and, in some respects, a noteworthy contemporary opinion touching the cession is from the pen of Abbé Raynal. This writer questions the political expediency of the cession, and raises the question whether it was not alike detrimental to both kingdoms, which were equally weakened by it; the one, by giving up what she ought to have retained, and the other by accepting what she could not keep. Of more significance, from the standpoint of political philosophy, is the moral question involved. Was it not an illegal act thus to have sold or given away the members of the community to a foreign power? For what right has a prince to dispose of his subjects without their consent? "Have kings the right of buying, selling or exchanging their subjects without their consent? Shall princes

<sup>60</sup> Gayarré, II, 247.

<sup>61</sup> *Ibid.*, II, 223.

<sup>62</sup> W. R. Shepherd, "The Cession of Louisiana, *Polit. Sci. Qv.*, xix, 475.



then arrogate to themselves the barbarous right of alienating or mortgaging their provinces and their subjects as they would their effects or estates"? Another extract recalls the famous doctrine of Patrick Henry and James Otis that government is a conditional compact between king and people; that a violation of the covenant by either party discharges the other from its obligations.

"What becomes of the rights of the people, if all is due from the nation to the prince, and nothing from the prince to the nation? Are there then no rights but those of princes? These pretend to derive their power from God alone. This maxim is invented by the clergy, only with a design of raising kings above the people, that they themselves may command even kings in the name of the deity, is no more than an iron chain, to bind a whole nation under the power of one man. It is no longer a mutual tie of love and virtue, of interest and fidelity, that gives to one family the rule in the midst of a society."

The reference to the clergy and their power reveals the influence of the writings of Voltaire. So far from holding their crowns from God, this eighteenth century propagandist proceeds to point out that kings are sufficiently informed by nature, experience, history, and their own consciousness, that it is of the people they hold all they possess, whether conquered by arms, or acquired by treaty. "He cannot sit easy upon his throne, when he cannot reign without asserting that he holds his crown from God alone." James II of England could have borne testimony to the force of this statement. It is a doctrine which has died hard. In our own day European rulers and American captains of industry have proclaimed they held their prerogatives and properties from God, and were therefore answerable to Him alone. On the contrary, asserts the Abbé Raynal, "Every man may more truly affirm, that he holds from God his life, his liberty, the unalienable right of being governed only by reason and justice." After the lapse of a century and a half since these memorable words were penned, where is the nation that is governed only by reason and justice? One thinks at once of Jefferson in reading that "the welfare then and the security of the people is the supreme law on which all others depend. It is, undoubtedly, the real fundamental law of all society. It is by this we must interpret every particular law which must be derived from this principle, and serve to ex-

plain and support it."<sup>83</sup> Thus did this French writer in vigorous fashion undermine the entire theory upon which rested the French and Spanish monarchies, together with the colonial policies of the two countries, which regarded their dependencies solely from the selfish interests of the mother country, to be bartered away as interest or whim dictated. Not until our own day were the doctrines of self-determination and the rights of minorities accorded a standing by even the more civilized nations of the earth.

In the eyes of contemporaries, the revolt against Ulloa, his expulsion, the trial, condemnation and execution of the Creole leaders, were doubtless just another instance of merited punishment being meted out to those rebelling against constituted authority. Regarded from the standpoint of the age long struggle on the part of human beings to enjoy those rights which are deemed to be the inalienable possession and birthright of every citizen, the arguments pro and con as to the rightfulness of the authority exercised by Ulloa seem of trivial significance as compared with the immutable principles of right and justice which must ever justify a resort to force.

The crisis of 1768 produced one leader who voiced sentiments akin to the ideas of Abbé Raynal. This was Nicolas Chauvin de la Frénière, the attorney-general, who was the head and front of the revolutionary movement. He possessed all the qualifications of the successful agitator. In 1765 and again in 1768 he made impassioned appeals to his fellow citizens, voicing their aspirations for liberal institutions. In a measure his role among the Creoles of Louisiana was analogous to that of Samuel Adams, the radical agitator of New England. Among other things he affirmed "the right of the people to decide any act touching their welfare." "Parliaments and Superior Councils are the depositories of the laws under whose sanction the people may live in happiness; they are the natural protectors by law of honest citizens." In his address to the Superior Council on the eve of the expulsion of Ulloa occur these words: "In proportion both to the extent of commerce and population is the solidity of thrones; both are fed by liberty and competition, which are the nursing mothers of the state, of which the spirit of monopoly is the stepmother.

---

<sup>83</sup> *A Philosophical and Political History of the Settlements and Trade in the East and West Indies*. Translated from the French of the Abbé Raynal by J. Justamond, M. A. Third Edition, Dublin, 1779. The excerpts cited are from Book XIV, 117-119. The writer is indebted to the Editor of the *Quarterly* for calling his attention to this work. For its significance, see *La Grande Encyclopédie*, vol. 28 and *Encyclopedia Universal Illustrada*, vol. 49.



Without liberty there are but few virtues. Despotism breeds pusillanimity, and deepens the abyss of vices."<sup>64</sup>

Thus he gave rudimentary expression to the principle of local self-government. His plea for liberty of commerce as opposed to the theory of mercantilism and of monopoly was to receive its classic exposition a few years later in Adam Smith's *Wealth of Nations*.

Gayarré attempts to raise the procedure whereby Felix del Rey reached his conclusions as to the guilt of the prisoners to the dignity of a "State Trial."<sup>65</sup> However, the Louisiana historian goes on to describe how in the case of the arrested leaders judges descended into the cell of the accused, forcing them to answer questions propounded to them; the prisoners never saw the witnesses, never even knew who they were; the numerous witnesses were examined in secret, the evidence was taken and weighed in secret. Moreover the witnesses were under instruction not to disclose either the fact that they had testified or the substance of their testimony. This "investigation" was conducted by two lawyers brought from Havana and, as has been pointed out, was entirely after the Spanish manner. Two witnesses appeared against de Noyan, La Frénière, Marquis, Joseph Milhet and Caresse; one witness and corroborating testimony were made use of in the cases of the six other defendants. This last procedure was quite in accord with the civil law, that is, if two witnesses to the same fact could not be had, single witnesses to two separate facts of the same general character or *genus* would suffice.<sup>66</sup> With the single exception of Villeré, for whom an *avocat* was designated to defend his memory, there is no evidence that any of the accused was represented by counsel.<sup>67</sup> In a word the procedure resorted to in order to secure the conviction of the five accused was *inquisitorial*. Nor is this suprising in view of the fact that until the closing years of the eighteenth century throughout the greater part of Europe the inquisitorial process became the customary method of dealing with all accused. Among the deplorable aspects of this were treating the accused as having no rights,

<sup>64</sup> Gayarré, II, 208; French, V, 185, note. For a suit in 1770, involving La Frénière, *Qv.*, VII, No. 1, 168 (Jan., 1924).

<sup>65</sup> Vol. II, 314-318. Cf. Dart, "Courts and Law in Colonial Louisiana," *Qv.*, IV, No. 3, 272-273.

<sup>66</sup> H. C. Lea, *History of the Spanish Inquisition in the Middle Ages*, 1, 434.

<sup>67</sup> Gayarré, II, 304.

assuming guilt in advance, and of even resorting to force or guile to secure confessions.<sup>68</sup>

While it may be true that English seventeenth century judges were brutal, as in the case of the notorious Justice Jeffreys, and that English judicial organization as set forth in the Commentaries of Blackstone was "archaic, complicated and arbitrary," yet the victims were tried in the open and, in the early disuse of torture as a means of extracting confessions, "English law and custom led the world."<sup>69</sup> In the early Stuart period the courts, with the approval of society, retained rules designed to secure conviction of the guilty rather than the safety of the innocent. The prisoner had no counsel either before or during the trial; the nature of the evidence against him was concealed from him till he came into court; he could not arrange for proper witnesses to appear in his defense. Nevertheless the prisoner was examined orally in the presence of the J. P., or in case of treason before the Privy Council. Contrary to popular impression even star chamber procedure was not more irregular than that of other courts of equity; its sessions were quite as open as those of any other court; and the forms of punishment made use of in star chamber were probably not unknown to the practice of other courts.<sup>70</sup> This was an age of callous indifference to human suffering and misery. The era of humanitarianism had hardly dawned. Miscarriage of justice obtained; the judicial and penal systems even of England were marked by severity that shocks our modern sensibilities. But in spite of barbarous laws and cruel punishments, the fact remains that "victims were tried in the open; if they were baited and brutally handled, as in truth they were, it was done in a court room and before a jury, and the world heard, and history recorded their defense."<sup>71</sup> This marks the difference between such "state trials" as Gayarré probably had in mind, and the inquisitorial procedure employed by Felix del Rey and his associates. It was upon the recommendation of his legal advisers that O'Reilly signed the order for the execution of the five prisoners. In the absence of evidence to the contrary, the presumption is that the prisoners were convicted by a decree rendered

<sup>68</sup> Lea, 1, 560. Cf. Fortescue, *De Laudibus Legum Angliae*, ch. 22. For the employment of torture in Louisiana in 1771, *Qy.*, Vol. 8, No. 1, (Jan., 1925). Civil procedure in Louisiana under the Spanish regime is set forth in detail in *Ibid.*, XII, No. 1, (Jan., 1929), p. 33.

<sup>69</sup> G. M. Trevelyan, *England Under the Stuarts*, 30.

<sup>70</sup> E. P. Cheyney, *History of England*, 1, 199-201.

<sup>71</sup> Dart, as cited, *Qy.*, IV, No. 3, 272, (July, 1921).

out of their presence. In a word the documents available fail to disclose anything in the nature of a court in a trial sense such as students of English jurisprudence are familiar with. On the other hand, from the standpoint of Spanish jurisprudence, it would seem the prisoners received a "fair" trial. This impression is based upon a study of Spanish criminal procedure by Miss Laura L. Porteous, the painstaking translator of the documents upon which this study in the main is based. After setting forth the successive steps in this procedure as related in her "Special Notes on Foucault's Trial," she arrives at the conclusion that "this criminal trial for high treason was carried out without passion or prejudice, as far as the records show, and was perfectly correct in all its formalities according to Spanish law." She points out that the punishment for the ring leaders was first suggested by Aubry. This was approved by Felix del Rey as a result of his investigations of the charges of high treason or rebellion against the accused. The judgment carrying the death penalty was confirmed by Urrutia, the real judge of the cause. The sentence was rendered by O'Reilly upon the advice of the Assessor. O'Reilly merely presided during the trial, the proceedings being left to his legal advisers. Writing to the Marquis of Grimaldi, in October, 1769, he affirmed the affair had been conducted with great care. O'Reilly was preeminently a soldier. His course of action was based primarily upon his instructions to deal summarily with the leaders of the revolt. The original of these instructions is in Seville.<sup>72</sup> His knowledge of what happened prior to and following the expulsion of Ulloa was supplied by the deposed governor and by Aubry, whose attitude throughout was sycophantic and despicable. From the standpoint of eighteenth century Spanish outlook, broad public policy demanded that an example be made of those who had offended against the laws of the proudest monarchy in Europe. On more than one occasion O'Reilly wrote that the good of his Majesty's service demanded the execution of the sentence decreed so that "His Majesty, the King of Spain, might receive satisfaction for offenses made to him, and for an example of justice to his subjects in this colony and to his other people."

<sup>72</sup> Professor David Bjork of the University of California, in a letter to Mr. Thomas Nicholls, of this city, dated July 9, 1924, states O'Reilly's instructions, as well as numerous other documents dealing with his regime, are in the archives in Seville. At the time of the arrest of the leaders, O'Reilly said: "He (the King of Spain) orders me to have arrested and tried, according to the laws of the Kingdom, the authors of these excesses and of all these deeds of violence."



Gayarré cites a despatch from the Marquis of Grimaldi to the Count of Fuentes, in which this language occurs: \* \* \* "as the King, whose characteristic is well known, is always inclined to be mild and clement, he has ordered O'Reilly to be informed that his will was, that a lenient course be pursued in the colony, and that expulsion from it be the only punishment inflicted on those who have deserved a more severe one."<sup>73</sup> Yet O'Reilly deliberately wrote that he "had fulfilled the King's intentions." He felt that in singling out only five of the guilty ones for capital punishment, he had pursued an eminently lenient course, in which opinion Aubry concurred. That he was not animated by vindictiveness with which he has been charged would seem to be shown by his repeated assertion that no hindrances would be placed in the way of the accused proving their innocence. Stories have been printed of his readiness to connive at the escape of not only Noyan, but also of the messengers who visited him at the Balize.<sup>74</sup> An accomplished Louisiana historian has expressed the opinion that if "the government of Charles III had been imbued with a full sense of its responsibility, it would never have left unpunished such a fundamental violation of the rules of justice."<sup>75</sup> There seems to be no evidence so far available, however, to indicate that O'Reilly's summary procedure met with anything but approval on the part of his superiors. On the other hand there are reasons for believing that his ready acquiescence in the findings of Felix del Rey had the entire approbation of the council and of the Chamber of the Indies.<sup>76</sup>

O'Reilly's course in approving the death sentence for five of the condemned leaders has been explained by the surmise that he had secret instructions of a different tenor from the sentiment expressed in the statement attributed to the Marquis of Grimaldi, cited above. There is no way of proving or disproving such an hypothesis, through such an assumption seems superfluous. Another suggestion has been made to the effect that the Spanish General upon arriving in New Orleans was confronted with conditions which led him to take drastic action. The allusion is to the possibility of British interference.<sup>77</sup> It would seem however, that the question of English intervention was a remote one, for the English Governor at Mobile had given no encouragement

<sup>73</sup> Gayarré, II, 345.

<sup>74</sup> See the *Qy.*, V. No. 1, 18. (Jan., 1922).

<sup>75</sup> Ficklen, in *The Louisiana Book* (McCaleb).

<sup>76</sup> French, as cited, Appen. 248.

<sup>77</sup> Kendall, *History of New Orleans*, 1, 24.

whatever to two of the leaders of the revolt who in person had sought his assistance. Numerous references, it is true, occur in the record, as to the danger of the colonists going over to the English, if too severe penalties were inflicted upon those involved in the insurrectionary movement; but they could only have done so at great personal sacrifice, since it would have been impossible for those retiring to English territory to have disposed of their property holdings save at serious, if not ruinous, losses.<sup>78</sup> O'Reilly's proclamation of amnesty promising forgiveness for the past and leniency for the future, speedily dissipated whatever designs any might have entertained of withdrawing from the colony.

Even at this date one cannot read the tragic story of the execution of the five unfortunate prisoners on the afternoon of October 25, 1769, without pity for their untimely fate.<sup>79</sup> It is not suprising that from that day to this there have been those who have regarded them as martyrs in the cause of human liberty. Inasmuch as not a drop of Spanish blood had been shed, and since the leaders of the revolt had made a complete submission, the Spanish Crown could well have afforded to temper the rigors of the law with the quality of mercy.

<sup>78</sup> Champigny says "duty, honor, love opposed emigration to the English." French, v. 162.

<sup>79</sup> Villiers du Terrage, 309, makes the curious suggestion that one execution should have sufficed to answer the ends of justice. André Lafargue refers to the "mock trial and bloody execution of these sterling men" in "The French Governors of Louisiana," *Mississippi Valley Qy.*, XIV, No. 2, 166, (Sept., 1927). Henry E. Chambers concludes that considering the circumstances and their antecedents, the "culpability of O'Reilly grows less and less," *History of Louisiana*, I, 291.





## A HISTORY OF CONCORDIA PARISH, LOUISIANA

BY

ROBERT DABNEY CALHOUN  
VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

(Continued from January, 1932, Quarterly)

### SECOND INSTALLMENT

#### CHAPTER III

#### TRANSFER OF THE POST OF CONCORD THE BACK COUNTRY IN 1804-1805

Following the transfer of Louisiana to the United States at the Cabildo, a ceremony of transfer took place at the Post of Concord on January 12, 1804. The Mayor, Council and many citizens of Natchez crossed the river to witness the event. The procession was escorted by the Tennessee Volunteers under Captain Russell and a Natchez volunteer Company under Captain Newell;<sup>85</sup> and "again the flag of Spain slowly went down before the rising flag of the young republic."

The record of this event is perpetuated in the following official document:<sup>86</sup>

"In the Post of Concord, Province of Louisiana, This Twelfth of January, in the year One Thousand Eight Hundred and Four:

Be it Remembered: That I, Don Stephen Minor, Captain in the Royal Army of His Catholic Majesty, by virtue of the power given me by Don Manuel Salcedo, and the Marquis de Casa Calvo, Commissioners of his said Majesty for the delivering of the Province of Louisiana to the French Republic, bearing date New Orleans, the 31st. December, 1803, have this day delivered the said Post of Concord, with all its dependencies, to Major Ferdinand L. Claiborne, a citizen of the Mississippi Territory of the United States, and authorized as Agent of the French Republic, by full power from the Colonial Prefect Commissary of the French Government for the reception of the said Province

<sup>85</sup> Shields, pp. 55, 56.

<sup>86</sup> Record Book "A—I," p. 1, Archives.



of Louisiana from Spain, dated the first of January, instant. There being no edifices belonging to the King in this place, no estimation was necessary.

Witnesses:

J. Girault  
Wm. Nicholls  
(sigend) STEPHEN MINOR  
FERDINAND L. CLAIBORNE."

In this connection, we also transcribe the following letter from General James Wilkinson, the original of which is in the Gibbs Morgan collection at the State Museum:

"Headquarters, New Orleans, Jan. 3, 1804

"Sir:-

Believing that a military command at the Spanish establishment of Concord, opposite Natchez, cannot be in any wise interesting to the United States, I have declined sending a garrison to that Post; and as Governor Claiborne has informed me it was his purpose to invest you with authority for the Civil Government of the place, I have to request that you will be pleased to take charge of the public property there, which by the treaty may come into the possession of the United States; and particularly that you will take measures to secure the public buildings from waste and injury.

Respectfully, I am, Sir,  
Your Ob't. Serv't.,  
James Wilkinson.

To:  
Major Ferdinand L. Claiborne."

From the act of transfer, it will be noted that there were no public buildings. The private residence of Vidal had been used as "the Government House."

Ferdinand L. Claiborne was immediately appointed Civil and Military Commandant of the Post;<sup>87</sup> and on January 25, 1805, Samuel Wooldridge was appointed Civil Commandant, only,<sup>88</sup> holding office until a County organization was effected.

What of the "back country" along the Black and up the Ouachita at the time of the transfer? We have an absolutely authentic contemporary record in the report of Sir William Dunbar, of Natchez, of his exploration of these rivers in the fall and winter of 1804-1805. This expedition was undertaken by him at the in-

<sup>87</sup> *Ibid.*, pp. 40, 206, 222.

<sup>88</sup> Book "A," "Deeds & Suits," p. 35, Archives.

stance of President Jefferson; and his report, covering some one hundred printed pages—together with a map which he prepared—was transmitted to Congress by the President on February 19, 1806. In his message to Congress, Jefferson said: "Mr. Dunbar is a citizen of distinguished science who has aided and continues to aid us with his disinterested and valuable services in the prosecution of these enterprises."<sup>69</sup>

From this report, which is incorporated in full in the "Life, Letters & Papers of William Dunbar," by Mrs. Dunbar Rowland, Mississippi Historical Society Press (1930), we learn that Dunbar was accompanied by another scientist, Dr. George Hunter, and that they left St. Catherine's landing, on the Mississippi, on October 16, 1804, with a small fleet of large skiffs or rowboats, manned by a complement of soldiers furnished by the War Department. They proceeded down the Mississippi, up the Red to the Black, and thence up the Ouachita, making from ten to fifteen miles per day, and spending the Christmas holidays at the Hot Springs; and, on the return trip, Dunbar left his little flotilla at what is now Jonesville, arriving at Natchez, from that place, by horseback on January 25, 1805.

During the course of his trip, Dunbar made observations at his several stopping points to determine the latitude and longitude; measured the velocity of the currents; sounded the depths of the rivers; kept temperature records; took samples of the soil; noted the different species and size of the timber; described the smaller vegetation; and collected botanical and geological specimens, etc.

On October 19th, he entered Black River, and from his journal for the next day, we take the following excerpt:

"Continued ascending the river," (Black), "thermometer 47°; temperature of the water 73°; a spring issuing from the right bank; forest trees on the bank chiefly red and black oak interspersed with ash, paccawn, hickory, some elms, pirsimon &c; several kinds of grass and many humble plants in flower, so that even at this season our country affords employment for the Botanist. Great luxuriance of vegetation along the shore, grass very rank, and a thick curtain of shrubbery of a deep green; the soil black marl mixed with a moderate proportion of sand, resembling much the soil on the Mississippi banks, yet the forest trees are not lofty like those on the margin of the great river, but resembling the growth on Red River . . .

<sup>69</sup> Richardson, James D., *Messages & Papers of the Presidents*, Vol. 1, p. 398.

Encamped at sundown; 5 fathoms—black sand—Extremes of the thermometer 47°-80°. Made this day 13 miles 40 perches.

From his journal of October 21st, we quote:

"... The river is now only 80 yards wide; the timber becomes larger; the banks in some places 40 feet high, yet liable to inundation. . . . The current of the river is still so insensible, even in the thread of the stream, that we take no account of it. At 8H a. m. we arrived at an Island, small but elevated, said to be the only one in this river for more than 100 leagues ascending. On the left bank near the Island is a small settlement commenced by a man and his wife; a covered frame of rough poles without walls serves for a house, and a couple of acres of Indian corn has been cultivated, which suffices to stock their little magazine with bread for the year; the forest supplies Venison, Bear, Turkey, etc, and the river fowl and fish; the skins of the wild animals and an abundance of the finest honey being carried to market enables the new settler to supply himself largely with all other necessary articles. Both banks are clothed with rich canebrake. . . . Saw many Cormorants and the stately Hooping Crane; geese and ducks not yet abundant; they arrive in myriads with the rains and winter cold. . . . This afternoon found the shore favorable for tracking, i. e., running along shore and towing the boat; rate of going by log a little improved, five perches  $\frac{1}{2}$  minute. . . . The banks have a regular shelving slope from the top to the water's edge & totally covered with the most luxuriant herbage, consisting chiefly of 5 or 6 kinds of strong grass yielding vast crops of seed nearly mature, upon which geese and ducks get surprisingly fat; we shot some water fowl of the duck kind, whose web foot was partially divided, the body covered with a bluish or lead-colored plumage; they were extremely fat and excellent, resembling in taste the Canvassback. The teal of these rivers is also very fat and fine. . . ."

Sir William saw no human being or habitation on the Black River other than the man and woman and the shack "near the Island," which this writer recognizes to be at the point now known as "Island Bayou", in Catahoula Parish. From that point up to what is now Jonesville, which was reached on October 23, no person or evidence of settlement was encountered. From his diary of that day, we take the following:

"... Observed a great number of muscles and periwinkles along the shore; the muscle is of the kind com-



monly called pearl muscle, & by means of its long tongue makes considerable progress along the bottom and upon the beaches of the river when under water; our people had a quantity of them dressed and found them to be agreeable food; to me they were tough and unpalatable . . . Notwithstanding the cloudy state of the atmosphere, we were fortunate in getting a good meridian observation, by which it appears we are in Lat.  $30^{\circ} 36' 29''$ , nearly three miles higher than the Town of Natchez; after dinner proceeded to the mouth of the Catahoula", (Little River), "on the left and landed to get information from a French man settled here; he has a grant of land from the Spanish Government; has made a small settlement and keeps a ferry-boat for crossing men and horses traveling to or from Natchez and the settlements on Red River and on the Washita River . . . His house is placed upon an Indian mount with several others in view; there is also a species of rampart surrounding this place & one very elevated mount; all of which I propose to view and describe on my return, our situation not now admitting delay: The soil there is equal to the best Mississippi bottoms; the proprietor says that the high mount is not less than 80 feet perpendicular, of this we shall form some estimate at our return . . . We went on and camped within the mouth of the River Washita. This river derives its appellation from the name of an Indian tribe *formerly* residing on its banks, but now no more to be found; it is said that the remnant of the nation went into the Great Plains to the westward & either compose a small tribe themselves, or are incorporated in another nation. The junction of the Washita with the Tenza and the Catahoola a little below, all together form Black River, which last here loses its name, altho our maps represent it as taking place of the Washita. The Tenza and Catahoola are also names of ancient tribes, *now extinct*; the latter is now the name of a creek or bayoo 12 leagues long, which is the issue of a lake of the same name 8 leagues in length and 2 leagues generally in breadth . . ."

On October 24th, Dunbar passed the "Bayoo Ha-ha", coming in from the right, about one league above the mouth of the Ouachita; and he says:

"Vegetation is extremely vigorous along the alluvial banks; the twining vines entangle the branches of the trees & expand themselves along the margin of the river, in the richest and most luxurious festoons, and often present for a great extent a species of impenetrable curtain,

variegated and spangled with all possible gradations of color from the splendid orange to the enlivening green down to the purple and blue and interspersed with bright red and russet brown . . . "

On the next day, he passed "Villemont's Prarie" on the right and "Pine Point," (now Harrisonburg), opposite, and he remarks:

"The prarie obtained its name in consequence of its being included in a grant under the French Government to a gentleman of that name; some of the family and name yet remain in New Orleans but I have not heard of any claim for this land; many other parts of the Washita are named after their early proprietors. The French people projected and began extensive settlements upon this river, but the general massacre planned & in part executed by the Indians against the French, and the consequent massacre of the Natchez tribe by the French, broke up all those undertakings and they were not recommenced under the French Government . . . We saw a good deal of high land today on either bank producing pine and other timber not the growth of inundated lands. About a league beyond Pine Point, we arrived at Bayou Louis on the right, being the commencement of the Rapids . . ."

The expedition had difficulty in getting over the Catahoula shoals. As we are now getting out of our jurisdiction, as it were, we will not follow Sir William's journey in detail. A settlement 22 leagues below Fort Miro is described. Fort Miro, which was established in 1785 by Don Juan Filhiol, the Spanish Commandant of the Ouachita,<sup>10</sup> and whose descendants, the Breards, still live in Monroe, he found to be in charge of a Commandant appointed by Governor Claiborne. A few miles above, a stop was made at the settlement founded by the Baron de Bastrop; and at Hot Springs there were three or four log cabins, unoccupied.

Having made this interesting trip with Sir William, we are now back with him at the site of Jonesville, January 22, 1805, where we will continue his narrative:

"Continued my voyage with contrary winds & arrived at the evening of the 22nd at the Catahoola which by computation is 50 leagues from the Post of Washita . . . Upon my arrival at the house of *M. Hebrard dit Cadé* at the Catahoola, I inquired for horses to carry me to

<sup>10</sup> Fortier, Vol. 1, p. 396; 10th La. Ann., p. 497, *McEnery vs. Pargoud*.

Natchez, which he obligingly promised to get up for me out of the woods. At this place are several Indian mounts; being mostly covered by a thick canebrake it was difficult to examine them with due attention: There are five of the usual form placed within the angle formed by Black River & the Catahoola; another lies beyond the Catahoola; those are oblong, about 50 yards long by 25 wide on the top, with a rapid descent about 12 feet perpendicular. There exists a sixth mount of a very particular construction; the base is nearly square and consists of three stories. M. Hebrard, the proprietor, thinks the whole is 80 feet high, but I cannot persuade myself that it exceeds 40 or 45 feet. The ascent of the first story is not very rapid & may be estimated as 15 feet perpendicular; a flat of 5 or 6 feet wide reigns all around the mount from which arises the 2nd story, the ascent of which is not more rapid than the 1st, and may be about 8 feet perpendicular; a second flat of the same breadth is found above the second story passing in like manner around the mount, from which arises the third story, whose ascent is extremely steep; it is necessary to support one'self by the canes which cover this mount, to be able to get to the top; the form of this third story is that of a very regular cone, terminated at the top by a circular flat of about 8 feet diameter, which has probably been less; the perpendicular height of the cone may be about 20 feet. Having brought no instruments with me from the boat & moreover the mount being entirely covered with thick canes, I had it not in my power to make an exact survey, which I hope to do upon some future occasion. The proprietor says that the base covers a square of about 180 feet to each side; & at each angle there is a kind of abutment or projection, from which an imperfect idea may be formed of this singular mount, which may have been a temple for the adoration of the Supreme Being; or it may have been a monument erected to the honor of some great chief; or it may have been merely a watch tower. The country all around being alluvial, or at least subject to inundation, it is extremely probable that the five oblong mounts were places of residence, composing a considerable village; there is also the appearance of an embankment which composes two sides of an imperfect square, the Black River and the Catahoola forming the other two; this embankment has probably been nearly perpendicular without & in form of a glacis within . . . but I reserve my opinion respecting this apparent embankment until I can examine the whole more at leisure. In the meantime I have taken from the proprietor a sketch which he has formed of this remarkable place."



On the morning of January 25th, Dunbar and Dr. Hunter, on horses, set out for Natchez, and he says:

" . . . . Weather cloudy but not very cold. The roads being very wet and muddy we made only a league per hour; arrived at the Crocodile bayoo at 2 hours p. m. Here, we had a raft to make of the driest wood to be found & after 2 hours delay, crossed the bayoo & set off at 4 hours p. m. having yet five leagues to reach the Mississippi. The road proved extremely bad, being under water for leagues together; it became dark and we expected to be obliged to spend the night in the woods without fire, perhaps without a spot of dry land to rest upon; it was difficult to keep the path; by the sagacity of our horses we had the good fortune about 9 hours in the evening to get to a house four miles short of the river, where we were hospitably entertained with good homely fare; and next morning we crossed the river and breakfasted in Natchez, and I arrived at my own house at 10 hours a. m. and found my family well."

We have heretofore noted the granting of the ferry franchise across the Rio Negro to Don Heverard, sometimes called Hebrard or Cadet Hebrard or Caddy or Cady Hebrard. While this is beyond the bounds of Concordia, we may be pardoned for noting the fact that the land at the junction of Little and Black Rivers, the site of the Indian mounds, and the site of the old town of Troy, was granted to Heverard by Governor Don Estevan Miro on March 22, 1786. He afterwards conveyed the grant to John Henry. A history of this grant and of the successive ownerships may be found in the decision of the La. Supreme Court in the case of Isaac Thomas, *et al.*, vs. Wm. H. Turnley, (1842), 3rd Robinson's Reports, pp. 206, 214.

On March 3, 1805, President Jefferson approved an Act of Congress<sup>71</sup> establishing certain Post Roads in the United States, among which we find: "In Orleans Territory—From *Natches*, in the Mississippi, by Caddy's Ferry, *Cahola* and *Rapid Settlements*, to Natchitoches."

Mention of the old Indian Mound at Troy, which has long since been graded down, reminds us that it, and lands surrounding, was owned by Charles Jones, one of the principals in the celebrated Jones-Liddell feud, and that it remained in the ownership of the family until the death of his widow, Mrs. Laura Jones, many years later.

<sup>71</sup> C. 94, 2 Stat., 321.

## CHAPTER IV

## EARLY COUNTY AND PARISH COURT

## I

Concordia is the mother Parish of northeast Louisiana. The Parishes of East Carroll, Madison and Tensas are her offspring. The first Legislative Council of Orleans Territory (of which David B. Morgan was a member), convened in New Orleans December 2, 1804,<sup>72</sup> and divided the Territory into twelve "Counties,"<sup>73</sup> one of which was "Concordia County," the bounds of which were fixed as follows:

"Beginning at the mouth of Red River, then ascending the same to the Black River, then along the Black River to the 'Tensa' River; along the same to the 'Tensa' Lake; thence by a right line easterly to the Mississippi River, and then down the same to the point of beginning."<sup>74</sup>

Later, the designation "County" was abolished in Louisiana, and "Parish" was substituted. The general impression seems to be that the Legislative change in designation was a general one, applying to all of the subdivisions of the State alike, at the same time, but the acts of the early Territorial and State Legislatures show this impression to be erroneous.

By the act of the Legislative Council and House of Representatives of the Territory, approved March 18, 1809, it was provided that the upper boundary of Concordia should be extended northerly "so as to include the inhabitants living on and in the vicinity of the west side of the Mississippi River as far north as the Walnut Hills" (Vicksburg), "thence down said river to the place of beginning."<sup>75</sup>

The same body passed an act, approved March 20, 1811, "for the better defining of the limits of the County of Concordia, and dividing the same into two Parishes";<sup>76</sup> and Section 1 of the Act extended the Northern limits of the "County" of Concordia up to the 33rd degree of North Latitude (the Louisiana and Arkansas State line). The second section of the Act then divided this territory into two "Parishes," to be known as Concordia and Warren Parishes, and the northern limit of Concordia was defined as:

<sup>72</sup> Fortier, Vol. 2, p. 281.

<sup>73</sup> King & Ficklen, pp. 161, 162.

<sup>74</sup> Acts 1st Sess Legislative Council, C. 25, p. 144.

<sup>75</sup> Territorial Acts 1809, Chapter 22, p. 54.

<sup>76</sup> Ter. Acts 1811, Chapter 10, p. 34.

"beginning on the Mississippi River about three miles above 'Grand Gulph' to a place known by the name of Shipp's Bayou; thence along said Bayou to Lake Saint Joseph, thence northerly through the middle of said Lake to a bayou called and known by the name of DuRosset's Bayou, at or near the place of Gibson Clark, thence along said Bayou to the Tensas." The Parish of Warren comprised all of the territory north of the boundary above defined.

This act is a very peculiar piece of legislation, as the "County" of Concordia is first recreated by Section One, and immediately subdivided into two "Parishes." Why this method was adopted is inexplicable.

But our northern boundary would not "stay put." The act of the General Assembly of the *State*, approved February 24, 1814,<sup>77</sup> abolished the Parish of Warren and transferred all of its territory lying north of the upper line of John Milliken's Plantation to the "Parish and County of Ouachita," and all of its territory lying south of the upper line of John Milliken's plantation to the Parish of Concordia; and the writer believes that this act fixed our northern boundary at Milliken's Bend.

By act of March 14, 1832,<sup>78</sup> the Legislature again changed our Northern boundary, by creating the new Parish of Carroll, which was carved out of the Northern part of Concordia and the Eastern part of Ouachita.

However, this act did not remain long in effect, because by act approved January 19, 1838,<sup>79</sup> the Parish of Madison was created out of the northern end of Concordia.

Finally, by Act No. 61, approved March 17, 1843,<sup>80</sup> creating the Parish of Tensas out of the northern end of Concordia, our northern boundary was stabilized at the place where it is today.

#### AREA

The area of Concordia Parish, as now composed, is given at varying figures in different publications, but the official report of the United States Soil Survey of the Parish should be authoritative, and it is given as 690 square miles, or 441,600 acres. Its length is given as about 53 miles north and south, and its width

<sup>77</sup> Acts 1814, p. 32.

<sup>78</sup> Acts 1832, p. 100.

<sup>79</sup> Acts 1838, p. 13.

<sup>80</sup> Act No. 61 of 1843, p. 35.



from east to west varying from two to twenty-five miles.<sup>81</sup> Its frontage on the river is about 75 miles.

#### POPULATION STATISTICS<sup>82</sup>

Year	White	Free negroes	Slaves	Total
1810	1279	35	1581	2895
1820	827	12	1787	2626
1830	1025	20	3617	4662
1840	1380	31	8003	9414
1850	823	1	6934	7758
1860	1242	21	12542	13805
1870	720	9257	00	9977
1880	1320	13594	00	14917
1890	1757	13112	00	14869
1900	1714	11845	00	13559
1910	2337	11941	00	14278
1920	2643	9823	00	12466
1930	(No. white and negro unobtainable)			12779

The apparent loss in population in 1850 is evidently due to the divorcement of the Tensas area in 1843. The drop in 1870 was one of the effects of the Civil War. The shrinkage in negro population since 1910 is due to the advent of the boll weevil and the migration of negroes to the North.

## II

Our civil government really began with the qualification of Charles Morgan as our first Sheriff on October 10, 1805, and of Judge James Williams, as our first County Judge at the same time, the latter to be succeeded in July, 1806, by Judge Samuel Sidney Mahon. Judge Mahon was succeeded in July, 1807, by Judge James Ross, and the official designation was changed from County Judge to Parish Judge, the duties of the office remaining the same.

Judge Ross was succeeded by Dr. David Lattimore in 1809; Lattimore by James Dunlap in 1811; Dunlap by John Perkins in 1813; Perkins by Edward Broughton in 1818; Broughton by Robert Ogden in 1826; Ogden by George S. Guion in 1828; Guion by George W. Keeton in 1836; and Keeton by James Dunlap (the younger), in 1840.<sup>83</sup>

<sup>81</sup> *Soil Survey of Concordia Parish*, (U. S. Dept. Agriculture, Bureau of Soils), p. 6—Gov't Ptg. Off., 1911—No serial number.

<sup>82</sup> U. S. Official Census Reports.

<sup>83</sup> Compiled from sundry Minute Books and other records.

We have no record of the official activities of Claiborne and Wooldridge. Their terms of service were very short, and there was no functioning through them of a court of justice in the ordinary acceptance.

Claiborne was essentially of the Military, and the early history of the Mississippi Territory, and of the Territory of Orleans as well, is replete with his deeds. He returned to his home in Natchez, from the Creek Indian War, broken in health by the hardships he had undergone, and it is said that "The last act of his life, and the last dollar of his fortune was expended in illuminating his house and grounds on the news of Jackson's victory at New Orleans."<sup>44</sup>

During this period in our early history, we had no self-appointed representative of the blind Goddess of Justice who might be likened to that notoriously picturesque character "Judge" Roy Bean, of Langtry, Texas, who advertised himself as "The Law Beyond the Pecos."

The writer has recently unearthed a dozen or more yellowed sheets,<sup>45</sup> fastened together with a faded tape, giving us the history of Concordia's first court—the signed official minutes—October Term, 1805, to April Term, 1807, both inclusive. At the risk of becoming tedious, we think their historic importance justifies a somewhat extended quotation. The minutes of October Term, 1805, signed by Judge Williams, read as follows:

1. Ordered by the Court, with the consent and advice of the majority of the Magistrates, that the County Court shall be held in the house in which William Nicholls now resides until permanently established according to law.
2. That advertisements of sale be posted at the door of the Court House and within three miles of the residence of the person whose property is to be sold.
3. Ordered that whenever in the defendant's answer interrogatories material to the matter in litigation shall be inserted, the plaintiff shall file a replication within ten days after a rule for that purpose be posted in the Clerk's office, unless longer time be obtained from the Judge.
4. Ordered that Gentlemen wishing to appear as Attorneys in this Court obtain an order from the Judge for that purpose, which order to continue no longer than some law or regulation for that purpose be made.

---

<sup>44</sup> Claiborne, p. 340.

<sup>45</sup> Original documents—Archives.

- 5: Ordered that Seth Lewis, Esq., Charles B. Green, Esq., Thos. Buford, Esq. and Peter Walker, Esq. be admitted as Attorneys in this Court.
6. Came into Court William Nicholls and entered into recognizance according to law to keep a ferry at Concordia.
7. Ordered that William Nicholls continue to keep in his care an orphan boy named Joseph Ramaris until further ordered by the Judge respecting him.
8. Forman-Hunt & Co. vs. James Gorman—attachment returned.
9. Ordered that all answers to petitions be filed within fifteen days after the service thereof unless further time be obtained from the Judge.
10. Appointed Charles Morgan as Cryer for the Court and Constable.
11. Ordered that the Clerk use his private seal until a seal for the Court be procured.
12. Ordered that the Clerk receive into his custody the records and papers relative thereto from the Civil Commandant.

"Court adjourned 'till Court in due course."

#### JANUARY TERM, 1806

At the January Term, 1806, presided over by Judge Williams, the minutes give in detail the proceedings had in the various suits, and the following orders were entered:

1. Ordered that Joshua Sedwick and James Brothers be appointed Constables.
2. Ordered that William Murray, Esq., Samuel S. Mahon, Esq. and J. Bell, Esq. be admitted as Attorneys in this Court.

"Court adjourned 'till Court in due course."

#### APRIL TERM, 1806

The minutes of this term, signed by Judge Williams, are entirely confined to the litigation pending.

#### JULY TERM, 1806

The minutes, signed by Judge Samuel Sidney Mahon, July 8, contain entries of the proceedings had in the pending litigation, and the following additional orders:

1. James Huston entered into bond agreeable to law and took the necessary oath to perform the duties of Sheriff.



2. Appeared in open Court George N. Reagan who took an oath to support the Constitution of the United States and the laws of the Territory and the oath of office of Justice of the Peace for this County.
3. Appeared in open Court Peter Walker, Esq., who took oath to support the Constitution of the United States and the Territory and the oath of office as Attorney for the County of Concordia.
4. Ordered that the Attorney appointed by the Governor as Prosecutor for the County of Concordia be requested to give public notice to such persons as keep public Inns or Ferries in said County without license that unless they comply with the requirements of the law in such cases, that they will be proceeded against as the law directs.
5. Ordered by the Court that D. B. Morgan be and is hereby appointed Supervisor of the Roads south and east of the Post of Concordia, and that John Bradshaw be appointed Supervisor of the Roads north and west of said Post; and that Supervisors be directed to cause Public Roads to be opened as nearly adjacent to the margin of all water-courses supposed to be the front of lands claimed by individuals in the County, each person claiming lands within said County being hereby directed to clear and open that part of said road which may be appropriated for said purpose by Overseers recognized by present order of Court, under such pains and penalties as by existing laws made and provided.
6. Ordered that James Huston be appointed Cryer of the Court and Constable.

This Court for the County of Concordia hath this day, July 8th, 1806, been adjourned 'till Court in due course."

OCTOBER TERM, 1806.

At the October Term, 1806, in addition to the routine entries in pending law suits, we find in the minutes, signed by Judge Mahon, the following business transacted:

1. On application of Brinkley Corbett for a license for a ferry upon the Mississippi River nearly opposite the "Petty Gulph," the same is hereby allowed on said Brinkley Corbett's entering into such recognizance as the law directs. (Followed by Corbett's bond, in favor of the Territory, in the penal sum of \$100.00).
2. On application of Brinkley Corbett for a license for a Ferry upon the Tensau River, immediately on the new

late marked Road leading from the Mississippi, the same is hereby allowed on the said Brinkley Corbett's entering into such recognizance as the law directs. (Followed by the executed bond).

3. On motion, ordered that Stephen Bullock, Esq. and Edwin L. Harris, Esq., be admitted as practicing attorneys of this Court, they having taken the oath required by law.
4. On application of Edward Robison for a license for a Ferry about seven miles up the River from the Post of Concordia, the same is hereby allowed on the said Robison's entering into such recognizance as the law directs. (Executed bond follows).
5. On application of John Perry for Tavern License, he entering into such recognizance as the law directs, the same is allowed him. This entry is followed by a bond in favor of the Government of the Territory, in the penal sum of \$500 conditioned for "the good conduct of the said Perry in the keeping of a public inn, in the house opposite the City of Natchez, lately occupied by Joseph Vidal."
6. Ordered by the Court that Louisa, a female child, aged about fourteen years, now in the possession of Irasco Loper, receive letters of Guardianship and that Elijah Winter be her Guardian, to lend her out for a certain term of years, according to the terms of an act entitled "an act for the regulation of apprentice and indented servants for a term of years."

"The Court stands adjourned this Oct. 6, 1806."

#### JANUARY TERM, 1807

1. Court having met according to adjournment, on application of George N. Reagan for license to keep a ferry at his Plantation on the Mississippi at the Mouth of the Spanish Bayou, and about eight miles below the Post of Concordia, the prayer of the applicant is granted upon his entering into such recognizance as the law directs. (Followed by the usual bond).
2. On application of Christopher Lee for a license to keep a Ferry on the Crockodile Bayou on the road leading from Natchez to "Catahola" and "Rapid," the same is granted upon his entering into lawful bond. (Bond follows).
3. On application of Christopher Lee to establish the rates for ferriage at the Crockodile Bayou, the Court orders as follows, viz.: footmen, 12½ cents; for man and horse, 25 cents; for horse, ox or other description of horn-cattle, 12½ cents. (Note: No vehicular rates).
4. Whereas the Assessors of real property of the Lower District have made no report and it appears to the Court

that Gab'l. Winters, Esq., has left the Territory on necessary pressing business, the Court hereby nominates and appoints Henry Cassidy as Assessor in room of said Gabriel Winters, Esq.

Following these orders are the entries of the litigated docket, which we will not incorporate, except the following:

Ordered by the Court that a *dedamus potestatem* issue, directed to Samuel Brooks, Esq., Mayor of the City of Natchez to take the deposition of "WHISTLEBIRD Neighbors," the plaintiff to give the defendant or his attorney ten days notice of the time and place of taking the deposition."

(Signed) Sam'l. Sidney Mahon, J. C. C.

APRIL TERM, 1807

After the entries on the litigated docket, on April 8, 1807, there follows:

1. Ordered that William D. Nicholson, Esq. be admitted an Attorney of this Court.
2. On application of William B. Smith for a license to keep a ferry opposite the City of Natchez, on the Mississippi River, it is ordered that the application be granted, on his entering into bond according to law. (The bond follows, with Judge Mahon as surety).

"Court adjourned 'till Court in due course.

(Signed) Samuel Sidney Mahon, J. C. C."

During this period, Gabriel Winter was Clerk of the County Court. From these early minutes, we see that the early County Judge had (as did the Parish Judges thereafter), many matters under his supervision besides the balancing of the scales of justice in the often petty and sordid bickerings between John Doe and Richard Roe. He was something of a County godfather, and these Court minutes give us a valuable insight into our early development.

Along in the minutes there frequently appears, (though we did not note it in transcribing), "Court adjourned for a half hour." Today, it would be almost a contempt to intimate that Court recessed for any liquid refreshment stronger than coffee, but may we not surmise that back in the old days some of these recesses were taken in order to patronize the bar in John Perry's tavern?



The Brinkley Corbett ferries and "the newly marked road," mentioned in connection with them, is the beginning of the famous old "Texas Road" through the southern end of Tensas Parish, over which, a few years later, there passed many of those brave adventurers who made history in the Spanish-Mexican Territory and Independent Republic of Texas. Later still, there passed this way, in their covered wagons, numberless sturdy emigrants from Georgia, the Carolinas and Virginia, and further North, who peopled the pine hills of Northwestern Louisiana and parts of the great State of Texas with an honest, hard-working, virile, fearless and Godfearing citizenry.

The last order rendered by Judge Mahon was the granting of a license to William B. Smith to conduct a ferry across the river to Natchez. The writer has found<sup>86</sup> an old, unrecorded, order, in the hand-writing of Judge Ross, reading as follows:

"Mr. Smith—Sir:

This is to inform you that no Ferry shall be kept by any man except James Huston after tomorrow at ten o'clock. I will support the law at the risque of my life at the Post of Concordia. No Stephen Minor, a Spanish pensioner that fled his country's cause, shall prevent. Dec. 21, 1807.

(Signed) James Ross,  
Judge of the Parish of Concordia."

We do not know what Stephen Minor had to do with Mr. Smith's operation of the ferry. Huston was the lessee of José Vidal under the Thompson franchise, of which we have written. However, Judge Ross's uncomplimentary reference to Minor is interesting. Stephen Minor was not a Spaniard, but a native of Pennsylvania.<sup>87</sup> He left there about the beginning of the Revolutionary War and took service in the Spanish Army at New Orleans; was promoted and held high place during the Spanish regime at Natchez. We presume that Judge Ross was of the opinion that he should have remained in Pennsylvania and contributed his able services to the cause of American independence.

Doubtless his reference to Minor as a "Spanish pensioner" grows out of the following circumstances: Before the cession of Louisiana to the United States, and during the incumbency of Miro as Spanish Governor General of the Province, there was

<sup>86</sup> *Ibid.*

<sup>87</sup> Clalborne, p. 184.

much dissatisfaction and irritation in the region of Kentucky and Tennessee over the hampering restrictions imposed by the Spanish Government on the use of the Mississippi River and the facilities of the Port of New Orleans, creating a situation which our Federated Government seemed powerless to relieve.<sup>88</sup> Playing upon this disaffection, Miro entered into an intrigue with certain disaffected persons in that section, which had in view the withdrawal of that region from the American Federation and its addition to the Spanish possessions. The intrigue was abortive,<sup>89</sup> but even after the cession by France to the United States, Spain still had hopes of wresting back the ceded territory, and to that end, says Gayarré,<sup>90</sup> long after the cession, the Spanish Intendant, Morales, and Casa Calvo, remained in Louisiana and continued in the pay of the Spanish Government certain former Spanish officials and other influential men in the ceded territory. Without going further into details, this whole matter revolved about the alleged disloyalty of General James Wilkinson, and the alleged treasonable expedition of Aaron Burr down the Mississippi to Bayou Pierre, in January, 1807,<sup>91</sup> and his subsequent arrest at the home of Thomas Calvit, near the mouth of Cole's Creek,<sup>92</sup> followed by the hearing before the Court in the little Town of Washington,<sup>93</sup> and his escape.<sup>94</sup>

At the time, the country was in a state of great excitement, and it was the belief of some that Stephen Minor still held a Spanish commission, and that his sympathies were inimical to the United States; and we think this belief is reflected in Judge Ross's order which was written only a few months afterwards.

However, the historian Claiborne<sup>95</sup>—as have others—pays a high tribute to Minor's ability, and to his services and loyalty to the Spanish Government, and an equally high tribute to his character and loyalty to the American Government thereafter.

Whatever his purpose—and time has never disclosed it—Burr had his able partisans and defenders, including the Grand Jury at Washington, which brought in a report criticizing those who had brought about his arrest.<sup>96</sup>

<sup>88</sup> Gayarré, Vol. 3, pp. 192, 193.

<sup>89</sup> Gayarré, Vol. 3, C. 4, Miro's Administration.

<sup>90</sup> Gayarré, Vol. 4, pp. 74, 131, 132.

<sup>91</sup> Claiborne, p. 278.

<sup>92</sup> *Ibid.*, p. 280.

<sup>93</sup> *Ibid.*, p. 284.

<sup>94</sup> *Ibid.*, p. 288.

<sup>95</sup> *Ibid.*, pp. 272, 273; also, *Life, Letters & Papers of Wm. Dunbar*, p. 132—letter from Dunbar to President Jefferson.

<sup>96</sup> Claiborne, p. 284.

Many have taken up their cudgels in defense of the memory of General James Wilkinson, (whose descendants have rendered distinguished service to our State and Nation), including Professor Henry E. Chambers.<sup>97</sup>

In 1807 suitable provision was made for the incarceration of our criminals. I find an old, unrecorded, contract,<sup>98</sup> dated November 24, 1807, between James Ross, Parish Judge, and John Minor, David B. Morgan and Gabriel Winter, Managers for the erection of the Public Buildings of the Parish, and one Daniel Spicer, Carpenter. For \$595.00, Spicer contracted to build a two-room log jail; the timbers to be of heavy squared cypress, dovetailed and morticed at the corners, etc. The Parish officials were to furnish all the hardware except the nails, which Spicer was "to find." This latter provision seems a little unusual at this day, but nails were hand-wrought at the time and hard to get.

The land on which our present Parish Court House and other public buildings is situated was owned by Don José Vidal. On this land, a dwelling house was erected by Judge James Ross. On 29th October, 1809, the Administrator of Judge Ross's estate sold this dwelling house to José Vidal. The deed recites<sup>99</sup> that "the dwelling is at present occupied by Judge Lattimore for the public offices and Court House for the Parish aforesaid." Doubtless Judge Ross used it for the same purpose, as well as for a residence.

On November 18, 1809, José Vidal donated to the Parish of Concordia the aforesaid building and one acre of land, which is platted and described in the act, "for the only, sole and exclusive use and benefit of said Parish forever, for the sole and only purpose of building and erecting thereon a Court House, jail and other public offices and buildings for the use and benefit of the Parish."<sup>100</sup>

John Calvit, Elijah Cushing and Nathan Dix were commissioned as Justices of the Peace by Governor Claiborne on March 24, 1809. Nathan Dix afterwards served as a member of the Police Jury for many years; and his son, William Dix, was Mayor of Natchez during the Civil War.

A brief mention of some of the early County and Parish Judges: Judge David Lattimore was a physician and was on the

<sup>97</sup> Chambers, Vol. 1, pp. 358-364, "Wilkinson's Career."

<sup>98</sup> Original document—Archives.

<sup>99</sup> Conveyance Book "A—4," p. 317.

<sup>100</sup> *Ibid.*, p. 279.

<sup>101</sup> Shields, p. 51.



staff of the Natchez Hospital from its founding.<sup>101</sup> His brother, William, was a delegate in Congress from Mississippi Territory.<sup>102</sup> Judge James Dunlap had been Sheriff and went from the Parish to the District Bench. Judge John Perkins was the father of the foremost citizen of Madison Parish during the Civil War period, John Perkins, Jr. Judge George S. Guion<sup>103</sup> was the son of the old Revolutionary veteran, Captain Issac Guion, who played a prominent part in the Natchez drama of 1798, and father of Walter Guion, late Attorney General, and grandfather of the Louisiana lawyer who bears his name and now aspires to gubernatorial honors.

<sup>101</sup> *Ibid.*, p. 345.

<sup>102</sup> In *DeBow's Review* for May, 1853, Vol. 14, p. 431, there is a brief historical sketch of Tensas and Concordia Parishes, by W. B. Price, in which the author says that for some time after Judge George Guion took over the duties of Parish Judge, on account of the turbulent and lawless element infesting the Parish, he found it necessary to go constantly armed with a brace of pistols; but that by the exercise of vigorous and determined measures the lawless element was subdued. Doubtless, at that time there was an occasional overflow over into Vidalia of the cutthroats, thieves, gamblers and other denizens of the underworld composing the major population of Natchez-Under-The-Hill.

(To Be Continued)



## LOUISIANA IN THE DISPUTED ELECTION OF 1876

*By Fanny Z. Lovell Bone  
(Mrs. Hugh McCreary Bone)  
Crowley, La.*

### FOURTH INSTALMENT

#### CHAPTER IV—Continued

#### LOUISIANA, JANUARY TO MARCH, 1877

On January 1st, 1877, when the Legislature convened at the State House, only persons certified by the Returning Board were admitted. Trezevant, Clerk of the holding over House, refused to call the roll until the military was removed, whereupon Souer called the roll, and announced that sixty-eight members of the House, and hence a quorum, were present. Ex-Governor Hahn was elected Speaker. C. C. Antoine presided over the Senate which at that time comprised fifteen negroes and four white men. After being refused admittance to the State House, Col. Louis Bush, at the head of the Democratic-Conservative quasi members, marched to St. Patrick's Hall, where a rival legislature was convened. Trezevant called the roll of the House and announced that sixty-one members, and hence a quorum, were present. Col. Louis Bush was elected Speaker. Twenty senators were sworn into the upper House presided over by Louis A. Wiltz.

In a joint session of the Packard Legislature the certificate of returns furnished by Secretary of State Deslondes was read, giving the following result in the gubernatorial contest: Governor, S. B. Packard, 74,624; Francis T. Nicholls, 71,198; Lieutenant Governor, C. C. Antoine, 71,198; Louis A. Wiltz, 71,093. Packard and Antoine were declared elected. In a joint session of the Nicholls legislature the returns read told a different story: Governor, Francis T. Nichols, 84,487; S. B. Packard, 76,477; Lieutenant Governor, L. A. Wiltz, 84,242; C. C. Antoine, 76,471. Nicholls and Wiltz were declared elected. Louisiana again had two governors, two legislatures, two complete sets of state officers. The State House was fitted out as an arsenal, sleeping quarters were provided for the Federal troops quartered there, and preparations were made to withstand an extended siege.<sup>258</sup>

<sup>258</sup>The account of the organization of the rival Legislature is taken from *New Orleans Republican*, Dec. 31, 1876, Jan. 3, 1877, *Daily Picayune*, Jan. 1-2-3, 1877; *Annual Cyclopaedia*, 1876, p. 492; Fortier IV, p. 183.

The Radical count for Governor and Lieutenant Governor corresponded to the canvass issued by the Returning Board; the Democratic count tallying with the

On January 6th, General Augur received from President Grant instructions to keep the peace, by military force if necessary. The President's attitude in regard to the State Government of Louisiana was: (1) That he did not himself know which of the contending parties had carried the State; (2) That neither he nor the Returning Board had the right to create a Governor of Louisiana; (3) That Federal troops should guard and protect the Legislature convened in the State House.<sup>259</sup>

On January 8th, New Orleans witnessed the inauguration of two Chief Executives: S. B. Packard and the negro, Antoine, were installed at the State House as Governor and Lieutenant Governor, while at the same hour Francis T. Nicholls and Louis A. Wiltz were inaugurated by the Conservatives at St. Patrick's Hall. Enthusiastic demonstrations of joy accompanied the inaugural ceremonies of Governor Nicholls; the streets were thronged with people happy in the conviction that the Nicholls government meant white government for Louisiana. Governor Packard was inducted into office at the state house behind closed doors.<sup>260</sup>

Excitement in New Orleans was at white heat and civil war was not unexpected. The white people of Louisiana were determined to uphold and sustain the Nicholls government, and the carpet bag-negro faction was equally determined to hold together the Packard-Antoine government. On January 9th, Governor Nicholls issued a proclamation advising peace, order and restraint. On January 16th, the Conservative Legislature passed a concurrent resolution to the effect that a policy of kindness, fair and equitable treatment towards the colored people of Louisiana was endorsed by and would be adhered to by the General Assembly.<sup>261</sup>

Public sentiment endorsed the Democratic regime so strongly that by March 1st, the Nicholls government was in control of Louisiana with the single exception of the State House in New Orleans. On January 9th, Chief Justice Ludeling had peaceably surrendered the Radical Supreme Court to the State

report issued by the Democratic-Conservative Party. See Senate Report, 701, Part 3, p. 3002.

The term Radical was used to designate the Republicans in Louisiana, while Conservative or Democratic-Conservative was the local name for the Democratic Party.

<sup>259</sup>President Grant's instructions to General Augur through J. Donald Cameron, Secretary of War.

<sup>260</sup>*Daily Picayune*, Jan. 8-9, 1877.

*New Orleans Republican*, Jan. 9, 1877.

<sup>261</sup>*Daily Picayune*, Jan. 9-16, 1877.

*Annual Cyclopaedia*, 1877, p. 459.



Militia,<sup>262</sup> whereupon Chief Justice Manning and Associate Justices Marr, Spencer, DeBlanc and Egan were seated as the highest tribunal in Louisiana.\*

Representatives and Senators daily left the Radical Legislature and were enrolled in the Nicholls Legislature.<sup>263</sup> Officials, both Radical and Conservative, from all over the State applied to Governor Nicholls for their commissions.<sup>264</sup> Taxes were voluntarily paid before due into the Democratic-Conservative Treasury. The Packard government existed in name, and in name only. Federal troops continued to guard the State House, which was by this time a scene of confusion and disorder, an epidemic of small pox among the negroes there having added to the general gloom and squalor.

On January 15th, President Grant telegraphed to General Augur that if there arose the necessity for recognition of either Governor, it must be Packard.<sup>265</sup> Grant was nearing the close of his administration, and evidently desired to leave any final settlement of Louisiana's trouble to his successor.<sup>266</sup> Maintaining the status quo meant leaving the Nicholls government in actual control of affairs; it was patent that only by the presence and protection of the Federal bayonet could the Radical regime continue its existence.

While Louisiana was wracked by the local struggle for control of the State Government, the nation at large was anxiously looking to Washington for the outcome of the dispute over the presidency. March 4th. was drawing near. Who would be inaugurated as President of the United States?

<sup>262</sup>Daily Picayune, Jan. 9, 1877.

*Annual Cyclopaedia*, 1876, p. 492. *Annual Cyclopaedia*, 1877, p. 455.

\*NOTE BY ED. LA. HIST. QY.—These judges were appointed by Governor Nichols and they were installed by his militia. The court building was captured and occupied by these forces until the Packard government fell. See Dart, History of the Supreme Court of Louisiana, La. Hist. Qy., 4 pp. 58-62 (January, 1921).

<sup>263</sup>Daily Picayune, passim, Jan., 1877. *Annual Cyclopaedia*, 1877, p. 458.

P. B. S. Pinchback influenced many to leave the Radical Legislature.

<sup>264</sup>Daily Picayune, Jan. 17, 1877.

<sup>265</sup>Daily Picayune, Jan. 15, 1877. Grant's telegram to Gen. Augur: "A Returning Board existing in accordance with law, and having judicial as well as ministerial power over counting of votes have given certificates of election to the Legislature of the State. A legal quorum of each house holding certificates met and declared Packard Governor. Should there be a necessity for recognition of either, it must be U. S. GRANT."

<sup>266</sup>Daily Picayune, Jan. 17, 1877. Grant's Afterthought. Present status must be maintained throughout the State . . . Bitter pill for Packard and his crew.

Cameron's telegram to Augur: "Your interpretation correct. The President wishes the present status throughout the State maintained until Congressional Committees now in Louisiana return."

J. D. CAMERON,  
Secretary of War."

*Annual Cyclopaedia*, 1876, 493. Packard called on the Federal government to recognize and protect him, but Gen. Augur was ordered by President Grant just to "preserve the peace."

## APPENDIX D-1

(OFFICIAL)

EXHIBIT "A"

Compiled returns of an election held in the ..... State of Louisiana, on the 7th day of November, A. D. 1876, under a writ of election, dated September 16th, A. D. 1876, ordering same, and pursuant to the provisions of Act Number 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning officers, and defining their powers and duties; to prescribe the mode of entering on the rolls of the Senate and House of Representatives; to enforce article one hundred and three of the Constitution, approved November 20th, A. D. 1872, to-wit:

## ELECTORAL AND GUBERNATORIAL VOTE FOR THE STATE OF LOUISIANA FOR 1876.

Parishes	W. P. Kellogg	J. H. Burch	Peter Joseph	L. A. Sheldon	Morris Marks	A. B. Levissee	O. H. Brewster	Oscar Joffion	S. B. Packard	C. C. Antoine	John McEnery	R. C. Wickliffe	L. St. Martin	F. P. Poche	A. De Blanc	W. A. Seay	R. G. Cobb	K. A. Cross	F. T. Nicholls	L. A. Wilcz
Ascension	2,071	2,073	2,074	2,074	2,069	2,073	2,073	2,074	2,052	2,054	1,197	1,197	1,198	1,200	1,198	1,197	1,197	1,197	1,219	1,243
Assumption	1,691	1,691	1,692	1,692	1,692	1,692	1,691	1,691	1,684	1,685	1,687	1,686	1,686	1,679	1,680	1,686	1,678	1,680	2,697	1,697
Avoyelles	1,504	1,504	1,504	1,504	1,505	1,504	1,505	1,504	1,502	1,498	1,470	1,471	1,471	1,471	1,471	1,471	1,470	1,470	1,485	1,485
Baton Rouge, East	1,476	1,477	1,476	1,476	1,476	1,476	1,476	1,473	1,493	1,473	1,102	1,102	1,102	1,102	1,102	1,102	1,102	1,102	1,106	1,103
Baton Rouge, West	912	912	198	203	194	197	197	912	908	911	441	441	441	441	441	441	441	441	444	442
Blenville	227	227	227	227	227	227	227	227	225	225	953	956	955	956	955	956	934	955	958	958
Bossier	1,703	1,708	1,719	1,719	1,719	1,720	1,719	1,721	1,724	1,722	883	883	883	883	883	883	883	883	880	881
Caddo	2,687	2,687	2,686	2,687	2,687	2,686	2,686	2,686	2,630	2,649	1,654	1,656	1,657	1,656	1,655	1,657	1,656	1,656	1,719	1,694
Calcasieu	84	84	84	84	84	84	84	84	85	80	1,298	1,298	1,294	1,294	1,298	1,292	1,292	1,316	1,308	1,304
Caldwell	285	285	285	285	285	285	285	285	282	281	631	632	632	632	632	632	632	632	625	627
Cameron	52	52	52	52	52	52	52	52	52	50	246	246	246	246	246	247	246	246	246	246
Carroll	2,432	2,427	2,438	2,439	2,438	2,438	2,438	2,438	2,416	2,404	592	592	592	592	591	592	592	592	607	599
Catahoula	820	817	822	822	823	822	822	822	801	807	907	936	936	936	936	936	872	936	958	948
Concordia	2,523	2,524	1,950	1,949	1,881	1,950	2,519	1,938	2,445	2,454	307	307	271	271	271	271	305	271	379	371
Claiborne	432	432	432	432	432	432	432	432	427	427	1,577	1,577	1,576	1,577	1,576	1,577	1,577	1,577	1,590	1,589





St. John the Baptist	1,288	1,288	1,288	1,286	1,288	1,288	1,287	1,286	743	743	743	738	743	743	743	757	757
St. James	1,989	1,991	1,991	1,985	1,991	1,991	1,984	1,982	979	979	942	944	942	941	976	984	985
St. Landry	2,432	2,432	2,430	2,430	2,430	2,430	2,445	2,428	3,746	3,749	3,744	3,747	3,747	3,747	3,746	3,750	3,755
St. Martin	1,099	1,097	1,099	1,098	1,099	1,099	1,090	1,089	1,023	1,021	1,023	992	1,020	1,023	1,023	1,032	1,033
St. Mary	2,406	2,406	2,406	2,406	2,407	2,406	2,397	2,399	1,484	1,485	1,485	1,485	1,485	1,485	1,485	1,487	1,487
St. Tammany	501	502	502	502	502	502	549	549	649	648	648	647	648	648	648	649	649
Tensas	3,207	3,207	3,207	3,207	3,207	3,207	3,192	3,003	464	464	464	464	464	464	464	471	471
Terrebonne	1,969	1,970	1,970	1,970	1,971	1,971	1,962	1,972	1,387	1,389	1,388	1,388	1,389	1,388	1,372	1,399	1,399
Tangipahoa	565	565	565	565	565	565	558	558	629	681	931	591	931	931	931	935	935
Union	94	94	94	94	94	94	87	89	1,465	1,492	1,493	1,493	1,493	1,493	1,493	1,504	1,504
Vermillion	277	272	272	272	272	272	270	268	902	909	909	909	909	909	909	915	912
Vernon			2	2	2	2	1	1	647	647	647	647	647	647	647	649	649
Washington	165	164	165	165	165	165	163	165	514	514	514	514	514	514	514	514	514
Webster	864	864	864	864	864	864	858	857	888	887	887	887	887	887	887	895	895
Winn	76	82	82	82	82	82	78	78	549	550	550	551	549	549	541	565	546
Orleans	14,821	14,786	14,809	14,830	14,831	14,819	14,693	14,578	23,943	23,824	23,981	23,954	23,965	23,965	23,970	23,059	23,059
	76,717	76,544	74,433	74,426	74,756	74,969	74,923	75,732	80,515	80,521	80,689	80,176	80,659	80,831	80,430	81,501	81,343

I certify that the above is a correct statement of the electoral and gubernatorial vote of the State of Louisiana, as returned by the several supervisors of registration to the board of returning officers.

(Signed)

CHAS. S. ABELL,

Secretary of the Board.

ROBERT B. LINES,

**Secretary of Senate Committee.**

New Orleans, Dec. 21, 1876.

**A true Copy:**

44th Congress, 2nd Session, Louisiana Elections, 1876, Vol. I, Sub-Committee, P. LIII.  
Report of Committees of the Senate of U S., Vol. IV, Report 701.



[illegible]



## (239) (242) (243) APPENDIX D-2—Continued

Number of Poll	Precinct	W. P. Kellogg	J. H. Burch	Peter Joseph	L. A. Sheldon	Morris Marks	A. B. Levissee	O. H. Brewster	Oscar Joffrion	John McEnery	R. C. Wickliffe	L. St. Martin	F. P. Poche	A. DeBlanc	W. A. Seay	R. G. Cobb	K. A. Cross
1	East Feliciana	364	365	365	365	365	365	365	365	235	235	235	235	235	235	235	235
2	East Feliciana	10	8	8	8	8	8	7	8	92	92	92	92	92	92	92	92
3	East Feliciana	21	21	21	21	21	21	21	21	398	398	398	398	398	398	398	397
4	East Feliciana									135	135	135	135	135	135	135	134
5	East Feliciana									474	474	474	474	474	474	474	473
6	East Feliciana									124	124	124	124	124	124	124	124
7	East Feliciana									161	161	161	161	161	161	161	161
8	East Feliciana									118	118	118	118	118	118	118	118
1	Grant	364	365	365	365	365	365	365	365	123	123	123	123	123	123	123	123
2	Grant	10	8	8	8	8	8	7	8	23	25	25	20	24	25	20	25
3	Grant	21	21	21	21	21	21	21	21	50	50	50	50	50	50	48	50
4	Grant									70	70	70	70	70	70	70	70
5	Grant									26	26	26	26	26	26	26	26
6	Grant									51	51	51	51	51	51	51	51
7	Grant									175	175	175	175	175	175	175	175
		1,763	1,763	1,764	1,764	1,764	1,764	1,762	1,763	10,299	10,293	10,300	10,290	10,289	10,301	10,261	10,288

I hereby certify that the above is a correct statement of the number of polls and total number of votes rejected by the Board in the several Parishes.

A true Copy:

ROBERT B. LINES,

Secretary, Senate Committee.

(Signed)

CHAS. S. ABELL,

Sec'y., Board Returning Officers.

44th Congress, 2nd Session, Louisiana Elections, 1876, Vol. I, Sub-Committee, p. LV.

Report of Committees of the Senate of U. S., No. 701, Part 3, p. 3305.







St. James	1,989	1,991	1,991	1,991	1,983	1,991	1,991	1,991	1,990	1,979	1,979	1,944	1,942	1,942	1,941	1,976
St. John the Baptist	1,288	1,288	1,288	1,288	1,286	1,288	1,288	1,288	1,288	743	743	738	743	743	743	743
St. Landry	2,394	2,394	2,394	2,394	2,392	2,392	2,392	2,392	2,392	3,629	3,629	3,627	3,627	3,627	3,627	3,626
St. Martin	1,099	1,097	1,099	1,099	1,098	1,099	1,099	1,099	1,099	1,023	1,021	992	1,023	1,023	1,023	1,023
St. Mary	2,405	2,405	2,405	2,405	2,405	2,405	2,405	2,405	2,405	1,459	1,460	1,460	1,455	1,460	1,460	1,460
St. Tammany	551	552	552	552	552	552	552	552	552	648	648	647	648	648	648	648
Stangipahoa	565	565	565	565	565	565	565	565	565	855	855	855	855	855	854	855
Tensas	3,207	3,207	3,207	3,207	3,207	3,207	3,207	3,207	3,207	464	464	464	464	464	464	464
Terrebonne	1,989	1,970	1,970	1,970	1,970	1,971	1,971	1,971	1,972	1,387	1,389	1,388	1,389	1,388	1,372	1,388
Union	94	94	94	94	94	94	94	94	94	1,465	1,492	1,493	1,493	1,492	1,492	1,493
Vernon	178	178	178	180	180	180	180	180	180	469	469	469	469	469	469	469
Vermillion	277	272	272	272	272	272	272	272	272	909	909	909	909	909	909	909
Washington	165	164	165	165	165	165	165	165	165	514	514	514	514	514	514	514
Webster	670	670	670	670	670	670	670	670	670	452	451	451	451	451	451	451
Winn	76	82	82	82	82	82	82	82	82	549	550	551	549	549	514	549
	75,135	75,127	74,014	74,027	74,418	74,003	74,017	74,736	70,508	70,509	70,553	70,335	70,536	70,525	70,423	70,566

•All Polls in this Parish rejected. †No legal action in this Parish.

**CERTIFICATE.**

We, the undersigned returning officers, pursuant to authority vested in us by Act No. 98, approved November 20th, A. D. 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for . . . . ., held on the seventh day of November, A. D. 1876, under a writ of election promulgated September 16th, A. D. 1876, ordering same. And we do hereby declare that the following named persons were duly and lawfully elected, to-wit: Wm. P. Kellogg, Presidential Elector at Large; J. H. P. Church, Peter Joseph, L. A. Sheldon, Morris Marks, A. B. Levissee, O. H. Brewster, Oscar Joffron.

**A true copy:**  
(Signed)

CHAS. S. ABELL,  
Sec. Board of H

Sec. Board of Returning Officers.

New Orleans, January 8th, 1877.

44th Congress, 2nd Session, Louisiana Elections, 1876, Vol. I, Sub-Committee, P. LVII.  
Report of Committees of the Senate of U. S., No. 701, Part 3, p. 3008.

(Signed)

J. MADISON WELLS.  
THOS. C. ANDERSON.  
G. CASANAVE.  
LOUIS M. KENNER.

## (239) APPENDIX D-4

## EXTRACT FROM DEMOCRATIC COMPILATION.

The following are taken from the report of the Committee on Returns of the Democratic-Conservative Party, compiled as fully stated in the appended certificate, being returns differing from Supervisors' returns to any considerable degree. Other Parishes show very minor differences, as 806 for 807, etc.

Parishes	W. P. Kellore	J. H. Burch	Peter Joseph	L. A. Sheldon	Morris Marks	A. B. Levissee	O. H. Brewster	Oscar Joffion	S. B. Packard	C. C. Antoine	John McEnery	R. C. Wickliffe	L. St. Martin	F. P. Poche	A. DeBlanc	W. A. Seay	R. G. Cobb	K. A. Cross	F. T. Nicholls	L. A. Wilks
Baton Rouge, East	1,626	1,627	1,624	1,624	1,623	1,623	1,623	1,623	1,623	1,622	2,238	2,238	2,238	2,238	2,238	2,238	2,239	2,239	2,241	2,239
Baton Rouge, West	912	912	197	197	197	197	197	912	902	911	440	440	440	440	440	440	439	439	442	441
Carroll	2,432	2,427	2,438	2,438	2,438	2,438	2,438	2,438	2,416	2,404	592	592	592	592	591	592	592	592	607	599
Concordia (Returned)	1,170	1,170	596	595	596	596	596	594	1,161	1,165	181	181	146	146	146	146	180	146	193	192
Concordia (Protested)	1,353	1,354	1,354	1,354	1,285	1,354	1,351	1,354	1,284	1,289	126	126	125	125	125	125	125	125	186	179
Jackson	23	23	23	23	23	23	23	23	35	28	460	462	463	463	463	463	463	43	456	450
Lafayette	661	660	661	661	661	661	661	661	660	659	1,156	1,149	1,156	1,156	1,156	1,156	1,156	1,156	1,158	1,159
Lafourche	2,013	2,013	2,013	2,013	2,012	2,013	2,013	2,013	2,013	2,006	2,009	2,005	2,004	2,005	2,004	2,005	2,001	2,005	2,006	2,009
St. Charles	1,141	1,141	1,141	1,437	1,140	1,141	1,141	1,141	1,140	1,141	263	263	263	263	263	263	263	263	263	263
St. Tammany	551	552	552	552	552	552	552	552	550	484	649	648	648	647	648	648	648	648	645	596
Tangipahoa (same as supervisor's except)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	930	931	931	931	931	931	931	931	936	936
Orleans	15,131	15,125	15,122	15,145	15,147	15,078	15,120	15,030	15,030	14,919	24,963	25,005	25,009	24,987	24,996	24,996	24,996	25,006	25,037	25,070
Total of this table	77,174	77,162	74,913	74,902	75,240	75,395	75,479	75,618	76,477	76,471	83,723	83,859	83,650	83,474	83,633	83,812	83,580	83,603	84,487	84,242

We, the undersigned, a sub-committee appointed by the Democratic-Conservative Executive Committee to witness the canvassing and compiling of the returns by the Returning Board of Louisiana of votes cast at an election held on November 7th, 1876, do hereby certify, under oath, that the above statement and compilation for Presidential Electors, Governor and Lieutenant Governor was made by us from sworn duplicates and certified copies of the original statement of votes filed in the Clerks' Offices of the District Courts, as required by law.

(Signed)

F. C. Zacherle.

E. A. BURKE.

J. R. ALCEE GAUTHREAUX.

CHAS. CAVANAC.

FRANK MCGLOIN.

H. C. BROWN.

CHAPTER V.  
THE ELECTORAL COUNT

THE PRESIDENTIAL ELECTORS voted in their respective states on December 6th, 1876, just two days after Congress met for the short session. Intense excitement was felt all over the United States when the result was known. It seemed certain that double sets of returns would be sent to Congress from Florida, Louisiana, South Carolina and Oregon. The burning questions of the day were: How should the electoral votes be counted? Who was to determine which was the lawful electoral certificate from a state presenting more than one such certificate? Who had such power, the President of the Senate, or Congress? Party feeling ran high. The Democrats, always ardent advocates of the tenet of states rights, inconsistently invoked the power of Congress to override state action and count the electoral votes. The Republicans, arrayed against the doctrine of states rights, inconsistently argued that the action of a state was final, and that its sovereignty must not be invaded.

What did the Constitution say? "The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted." The Republicans argued that if there were more than one certificate from a State, it was the power and duty of the President of the Senate to determine the valid certificate of that State, and to count the votes of said certificate. Perhaps this Republican theory was strengthened by the fact that Thomas W. Ferry, a partisan Republican, was President of the Senate at that time, and could be depended upon to count the votes of Florida, Louisiana, South Carolina and Oregon for Hayes. The absence of specific legislation on the subject made it difficult to see how Congress could interfere.

In 1865 the twenty-second joint rule had been adopted which gave to either House the power of refusing to count the electoral vote of any State by its separate action. This rule had prevailed in the elections of 1865, 1869 and 1873,<sup>267</sup> but had been rescinded by the first session of the Forty-fourth Congress in January,

<sup>267</sup>Louisiana's electoral vote was excluded in 1873 by operation of the 22nd joint rule.

Rhodes, VII, p. 305.

Stanwood, I, p. 353.



1876. President Ferry rendered the decision that the joint rules were no longer in force, and this ruling was upheld on December 8th, 1876, by a vote of the Senate, 50 to 4.<sup>268</sup> The Democrats were disappointed for the twenty-second joint rule would have operated in their favor. The House<sup>269</sup> would by rejecting Florida and Louisiana give Tilden a majority of the electoral votes and make him President. Fraud was charged by each party to the other. Civil war seemed not impossible, and perhaps even loomed as a dire possibility. 4,285,992<sup>270</sup> Tilden voters opposed 4,033,768 Hayes voters, and neither side was willing to concede a single point.

The situation was desperate, and something had to be done. Compromise of some sort was necessary. The first step was taken in the House on December 7th, when George W. McCrary,<sup>271</sup> a Republican, moved for a committee of five to confer and act with a similar committee from the Senate.<sup>272</sup> The number on each committee was increased to seven, and the joint committee was equally divided politically, seven Republicans and seven Democrats.<sup>273</sup> Each committee met separately and endeavored to evolve a workable plan. The road was rocky, and the stumbling blocks were many. Time after time, the goal of amicable settlement seemed in sight, only to disappear again, swallowed up in the clouds of debate and argument.

At last McCrary proposed to his Committee a tribunal consisting in part of Justices of the Supreme Court. The idea grew, took shape, and was finally evolved by the Joint Committee into the famous Electoral Count Bill.<sup>274</sup> The outstanding features of this bill were (1) Four tellers were to count the votes of the certificates opened by the President of the Senate and handed to them; (2) These tellers were to deliver the results of such votes to the President of the Senate, who was to announce the result; (3) When there was but one certificate from a state, the President

<sup>268</sup>Rhodes, VII, p. 305, citing Congressional Record, 1876, pp. 97-109.

<sup>269</sup>The House had a Democratic majority of 74 and the Senate a Republican majority of 17.

<sup>270</sup>Stanwood, I, p. 383. Republican count. The Democratic count stood: Tilden, 4,300,590, and Hayes, 4,036,298.

<sup>271</sup>44th Congress, 2nd Session, House Journal, pp. 44-45.

<sup>272</sup>44th Congress, 2nd Session, Senate Journal, p. 55.

<sup>273</sup>House Committee: Henry B. Payne, Eppa Hunton, Abram S. Hewitt, William Springer, Democrats; George McCrary, George F. Hoar, George Willard, Republicans. Senate Committee: Edmunds, Morton, Frelinghuysen and Conkling, Republicans; Thurman, Bayard, and Ransom, Democrats.

44th Congress, 2nd Session, Senate Journal, p. 66, and House Journal, p. 137.

<sup>274</sup>44th Congress, 2nd Session, House Journal, p. 306.

Stanwood I, pp. 382-387.

of the Senate was to call for objections; all objections were to be signed by one Senator and one Representative; each House was to decide separately upon said objections, "no electoral votes from any state from which but one return has been received shall be rejected except by the affirmative vote of the two Houses."

(4) In the case of more than one certificate being received from a state (not duplicates) the matter of determining the valid certificate was to be decided by a commission composed of five Senators, five Representatives and five Justices of the Supreme Court; (5) The Commission was to render its decision in writing to the two Houses, who were to accept the decision unless upon objection made thereto in writing by at least five senators and five representatives; even in the case of such objections being offered, the decision was to stand unless the two Houses separately concurred in ordering otherwise.

It had been agreed in committee that the ten members of Congress serving on the Committee should be equally divided politically,<sup>275</sup> five Republicans, five Democrats. The bill tacitly provided for two Republican Justices and two Democratic Justices<sup>276</sup> which four were to select a fifth justice. This fifth justice was the pivot of the Commission. Who would he be?

On January 24th, 1877, the Senate passed the bill, 47 to 17;<sup>277</sup> on January 26th it passed the House, 191 to 86<sup>278</sup> and on January 29th, it was signed by President Grant.<sup>279</sup>

"There are few sublimer legislative achievements in our history than this Electoral Count Bill, framed in the midst of intense political excitement and agreed to by thirteen out of fourteen members of a bi-partisan committee.<sup>280</sup> Moderate men on both sides determined to effect the establishment of a tribunal, as evenly divided politically as might be, which should decide all disputed questions so far as the Constitution gave authority to Congress to decide them. The outcome of their efforts was the Electoral Commission Law of 1877."<sup>281</sup>

<sup>275</sup>Rhodes, VII, pp. 312-318.

Article by Milton H. Northrup, *Century Magazine*, Oct., 1901, pp. 926-927-928. Stanwood, I, p. 382.

<sup>276</sup>Justices Clifford, Field from the First and Eighth Circuits were Democrats. Justices Miller and Strong from the Third and Ninth Circuits were Republicans.

<sup>277</sup>44th Cong. 2nd Session, Senate Journal, p. 153.

<sup>278</sup>44th Cong. 2nd Session, House Journal, pp. 305-310.

<sup>279</sup>*Ibid.*, p. 323.

<sup>280</sup>Rhodes, VII, p. 319.

<sup>281</sup>Stanwood I, p. 382.

On January 30th, the House elected, *viva voce*, five members to serve on the Electoral Commission; George F. Hoar, Henry Payne, Eppa Hunton, Josiah Abbott and James A. Garfield.<sup>282</sup> The Senate likewise chose, *viva voce*, five senators as their quota: George F. Edmunds, Frederick T. Frelinghuysen, O. P. Morton, Allen G. Thurman and Thomas F. Bayard.<sup>283</sup> On January 31st both Houses received this communication from the four designated Justices:

"The undersigned have selected the Honorable Joseph P. Bradley, (Associate Justice assigned to the Fifth Circuit) to be a member of the Commission.

SAM. J. MILLER,  
STEPHEN J. FIELD, <sup>284</sup>  
W. STRONG."

The Senate appointed Messrs. Ingalls and Allison as Tellers for the count, while the House appointed as their Tellers, Messrs. Cook and Stone.<sup>285</sup> Everything was in readiness for the count of the electoral votes.

In the meantime Louisiana and her troubled affairs had been engaging the attention of Congress. As has been noted, each House sent a Committee to Louisiana to investigate the late election. These committees were arranged for on December 4th, 5th, and 6th, the very first days of the session.<sup>286</sup> On December 6th President Grant sent to the Senate a message transmitting a letter to him from John Sherman in relation to the canvass of votes for electors in the State of Louisiana.<sup>287</sup> On December 15th, Chairman William R. Morrison telegraphed from New Orleans to Speaker S. J. Randall that every obstacle and hindrance was being offered to the House Committee to prevent the Committee

<sup>282</sup>44th Congress, 2nd Sess., House Journal, p. 338.

<sup>283</sup>*Ibid.*, p. 341. Message from the Senate.

<sup>284</sup>*Ibid.*, p. 344. The Democrats were chagrined and disappointed at the selection of Justice Bradley, a Republican, which came about in this way. Justice Davis, a so-called independent, had been virtually agreed upon in the joint committee as the fifteenth man on the Commission. It is possible that the Democrats' enthusiasm for the Commission plan arose from the general feeling that Justice Davis was at heart a Democrat, even though he was termed an independent. On the very day that the Electoral Bill was introduced into the House, Justice Davis was elected United States Senator from Illinois. This made his serving on the Commission out of the question. The choice was narrowed down, and the four designated Justices selected Bradley. The Commission stood eight Republicans, seven Democrats.

<sup>285</sup>44th Congress, 2nd Session, House Journal, p. 352.

<sup>286</sup>44th Congress, 2nd Session, House Journal, pp. 18-19-36.

<sup>287</sup>44th Congress, 2nd Session, Senate Journal, pp. 7-27-29.

*Annual Cyclopaedia*, 1876, p. 492.

<sup>287</sup>44th Congress, 2nd Session, Senate Journal, p. 31, Senate Executive Document No. 2.



from discharging its duty. The Western Union Telegraph Company was involved by charges that E. W. Barnes, New Orleans Manager, refused to obey a subpoena *duces tecum*, and that he would not deliver to the Committee significant telegrams from William P. Kellogg, S. B. Packard, J. R. G. Pitkin, Henry C. Dibble, H. C. Warmoth, General Augur and others from and after August 15th, 1876. William Orton, President of the Western Union and Barnes were haled before the bar of the House for contempt. They were discharged January 31st, after Barnes delivered the desired telegrams.<sup>288</sup> J. Madison Wells, Thos. C. Anderson, Gadane Cassanave and Louis M. Kenner were arrested and haled before the bar of the House for contempt in refusing to produce records, papers and documents as demanded by the House Committee when in Louisiana. Much testimony was taken, and many arguments were indulged in, relative to the alleged attempt of Wells to sell the Louisiana vote to Tilden for \$1,000,000.00. Well's incriminating letters to Senator West and to Joseph H. Maddox were cited and Maddox testified against Wells. The members of the Returning Board were discharged from the custody of the House on March 3rd, 1877. The temper of the House's feelings toward Wells and his followers was shown by three contemptuous resolutions introduced on March 2nd by Waddell, Hurd and Conger.<sup>289</sup> William P. Kellogg was elected by the Packard legislature to the United States Senate for the six-year term to begin March 4th, 1877.<sup>290</sup> Judge Henry M. Spofford was elected to the same position by the Nicholls legislature.<sup>291</sup> Kellogg was finally seated and served six years.<sup>292</sup> P. B. S. Pinchback had never been admitted by the Senate, and on February 10th, 1877, James B. Eustis, elected in 1875, took his seat.<sup>293</sup> Louisiana once more had two Senators in Congress.

On February 1st, Justice Clifford, President of the Electoral Commission, communicated to both Houses the fact that the Commission had met and organized, that the members thereof

<sup>288</sup>44th Congress, 2nd Session, House Journal, passim, pp. 90-346.

<sup>289</sup>44th Congress, 2nd Session, House Journal, pp. 242-246-264-313-315-615-622-631.

House Misc. Doc., No. 42, pp. 135-162, 376, 377, 138, 180, 178.

Daily Picayune, Jan. 17, 19, 1877. March 3, 1877.

New Orleans Democrat, Feb. 2, 3, 4, 6, 7, 9, 1877.

<sup>290</sup>Daily Picayune, Jan. 11, 1877.

Fortier, IV, p. 188.

44th Congress, 2nd Session, Senate Journal, p. 139.

<sup>291</sup>Annual Cyclopaedia, 1877, p. 464.

Fortier, IV, p. 191.

New Orleans Daily Democrat, April 24, 1877.

<sup>292</sup>Fortier, IV, p. 192.

<sup>293</sup>Ibid., 188.

had taken the oath prescribed by law, and that they were ready to proceed to the performance of their duty.<sup>294</sup> At one o'clock of that date the Senate attended in the hall of the House in joint meeting.<sup>295</sup> President Ferry presided, and proceeded to open and hand to the tellers the certificates of the electors of the several states in alphabetical order. As there were no objections to the certificates from Alabama, Arkansas, California, Colorado, Connecticut and Delaware, the votes from those states were counted, and the results announced by the tellers.<sup>296</sup> Florida came next. The dramatic moment had arrived. President Ferry drew from the small square box at his side, three certificates from Florida, each purporting to be the valid certificate from that state. Objections were presented, and the papers in the Florida case were submitted to the Electoral Commission. The Senate withdrew to its chamber, whereupon the House resumed its session.<sup>297</sup>

The Florida decision was rendered to a joint meeting of the two houses on February 10th: "Humphreys, Pearce, Holden and Long are valid electors, and their certificate signed by M. L. Stearns, Governor of Florida, is valid and their votes are votes provided for by the Constitution and are lawfully counted."<sup>298</sup> The Republicans had won the first contest. The decision which gave the four Florida votes to Hayes and Wheeler was signed by the seven Republican Commissioners and by the fateful fifteenth man, Justice Bradley.<sup>299</sup> Briefly, the ground of the decision was that the Commission was not empowered to go behind the returns of any state. The Constitution provided that each state should determine the method of appointing its electors, and the Commission was bound to recognize the right of each state to do so. The Florida certificate of Humphreys *et als* was duly signed by the Governor, and by the Secretary of State and was valid.<sup>300</sup>

<sup>294</sup>44th Congress, 2nd Session, House Journal, p. 352.

44th Congress, 2nd Session, Senate Journal, p. 179.

<sup>295</sup>*Ibid.*, Senate Journal, p. 182.

<sup>296</sup>*Ibid.*, House Journal, pp. 353 ff.

<sup>297</sup>*Ibid.*

Rhodes, VII, p. 329.

Stanwood, I, p. 388.

<sup>298</sup>44th Congress, 2nd Session, House Journal, p. 417.

Rhodes, VII, p. 338.

Stanwood, I, p. 389.

<sup>299</sup>Samuel Miller, W. Strong, George Edmunds, O. P. Morton, F. Frelinghuysen, Jas. A. Garfield, Geo. F. Hoar and Joseph P. Bradley.

44th Congress, 2nd Session, House Journal, p. 417 ff.

Stanwood, I, p. 389.

Rhodes, VII, p. 332.

<sup>300</sup>44th Congress, 2nd Session, House Journal, p. 417 ff.

Rhodes, VII, 331-337.

Stanwood, I, p. 389.

The Senate ratified the Florida decision, but the House voted the reverse. When the joint meeting was resumed on February 12th, President Ferry announced that the two Houses not concurring in ordering otherwise, the decision of the Commission would stand, unreversed and the count would proceed.<sup>301</sup>

Certificates from the states were opened in alphabetical order, and the count proceeded without objection or interruption until Louisiana was reached. Three certificates were presented from this State, objections were offered, and in accordance with the law all papers in the Louisiana case were submitted to the Commission. Lengthy objections to the Hayes electors from Louisiana were offered by Joseph McDonald, by Randall Gibson and by Fernando Wood. The validity of their certificates was attacked, the power of the Returning Board was denied, the eligibility of O. H. Brewster, A. B. Levissee and Oscar Joffrion was questioned. The Returning Board was charged with having offered, for a money consideration, to certify to due election of Tilden and Hendricks. William Pitt Kellogg, who signed the said certificates as Governor of Louisiana, was declared to be a usurper and not the lawful Governor. Objections to the Tilden electors were presented by Timothy Howe, on the ground that John McEnery, who signed this certificate as Governor of Louisiana was not and never had been Governor of that State.<sup>302</sup>

The Commission, after four days of deliberation, voted not to receive evidence going behind the returns. By the now familiar vote of 8 to 7 the Hayes electors from Louisiana were certified.<sup>303</sup> The Republicans had won again. Briefly, the ground of the Louisiana decision was similar to that of the Florida case; the Commission held that it was not competent to receive evidence *aliunde* to prove that certain persons other than those regularly certified to by the Governor had been, or had not been appointed electors. The commission, by validating the certificate signed by Kellogg as Governor, recognized him as the lawful chief executive of Louisiana. The Commission further held the opinion that the Returning Board was a legally constituted body on December 6th, 1876.<sup>304</sup>

When the Louisiana decision was read to the joint meeting of the two Houses on February 19th, objections were offered by

<sup>301</sup>44th Congress, 2nd Session, House Journal, p. 424.

<sup>302</sup>44th Congress, 2nd Session, House Journal, p. 425-429. The objections make illuminating reading.

<sup>303</sup>*Ibid.*, p. 469.

<sup>304</sup>Louisiana decision of the Electoral Commission, Appendix E-1. Annexed to this chapter.



Randall Gibson from eighteen senators and one hundred and fifty representatives. The Commission was scored for having refused to receive important evidence, and for its failure to go behind the returns of Louisiana. Much was made of the monotonous 8 to 7 vote on every proposition, resolution and ruling made by the Commission.<sup>305</sup>

The Senate approved the Louisiana decision of the Commission on February 20th, and the House voted the reverse on the same day. When the joint session of the two Houses was resumed at one o'clock, the President of the Senate announced that the State of Louisiana cast eight votes for Hayes and eight votes for Wheeler.<sup>306</sup>

The Democrats were discouraged and disappointed by the first decision of the Electoral Commission, and received with ill concealed anger the announcement of the result in the Louisiana contest.<sup>307</sup> A majority of the Democratic representatives were disposed to abide by the Commission's award, but about sixty members of the House attempted to delay proceedings and hold up the count by filibustering. Speaker Randall, however, ruled with an iron hand that there should be no serious or unwarranted obstruction to the count.<sup>308</sup>

Was there a bargain between the Hayes adherents and the Democrats in regard to Reconstruction in South Carolina and Louisiana? The writer has nowhere found proof of the existence of such a compact, but arrangement and understanding there surely must have been. The fact remains that the Democrats allowed the count to proceed, and later events tend to show that their forbearance was rewarded.<sup>309</sup>

<sup>305</sup>44th Congress, 2nd Session, House Journal, p. 470 ff.

<sup>306</sup>*Ibid.*, p. 489.

<sup>307</sup>Rhodes, VII, p. 341.

Daily *Picayune*, Feb. 12-18, 1877—striking editorials reflecting the dissatisfaction of Louisianans.

<sup>308</sup>Rhodes, VII, p. 342.

Haworth, p. 92.

<sup>309</sup>*Annual Cyclopaedia*, 1877, p. 459. Letter from Stanley Matthews and Charles Foster to J. B. Gordon and J. Young Brown.

Appendix E-2. Annexed to this chapter.

*Atlantic Monthly*, Oct., 1901. "Reconstruction" by William A. Dunning: "Through one of those bargains without words, which are so common in great crises, the inauguration of Hayes was followed by the withdrawal of troops from the support of the last Radical governments and the peaceful lapse of the whole South into the control of the whites."

Haworth, p. 92.

*History of North America*, "The Reconstruction Period," Peter Joseph Hamilton, p. 555.

State after state was counted without objection until Oregon was reached. The case was sent to the Electoral Commission, the same 8 to 7 decision was rendered, and Oregon's electoral votes were cast for Hayes and Wheeler.<sup>310</sup>

The count went on. Two certificates were presented from South Carolina; the papers were sent to the Electoral Commission who by a vote, 8 to 7, decided in favor of the Hayes electors.<sup>311</sup>

Wisconsin, the last state on the list was reached on March 1st. Considerable excitement was apparent and some attempts at filibustering were made, but at five minutes before four in the morning of March 2nd, the count was concluded. President Ferry asked for order and announced the result: 185 electoral votes for Hayes, 184 for Tilden; "Wherefore I do declare Rutherford B. Hayes, having received a majority of the whole number of electoral votes, is duly elected President of the United States, commencing on the fourth day of March, 1877."<sup>312</sup>

#### THE END OF RECONSTRUCTION IN LOUISIANA

The inauguration of President Hayes ended the only presidential dispute our nation has ever experienced, and gave the people of the United States just cause for thanksgiving. Serious trouble, war perhaps, had been averted. Louisiana, however, was still torn between two warring factions. Although, as has been explained, the Nicholls government was daily becoming more and more firmly intrenched throughout the State, Packard and his followers had not abandoned the contest. About March 1st, he

<sup>310</sup>Rhodes, VII, p. 340.

<sup>311</sup>*Ibid.*, p. 341.

<sup>312</sup>44th Congress, 2nd Session, House Journal, p. 613.

44th Congress, 2nd Session, Senate Journal, p. 357.

Rhodes, VII, p. 343. Stanwood, p. 392. (A similar announcement was made in regard to Wheeler.)

For result of electoral votes see Appendix E-3. Annexed to this chapter.

NOTE: Was it partisan?

1. Sherman's Report of Visiting Statesmen to Grant, (All Republicans)—for Hayes.
2. Democrat report of above to Hewitt (All Democrats)—for Tilden.
3. House Report, 156; 10 Democrats, 5 Republicans—5, Hayes; 10 Tilden.
4. Senate Report, 701, 2 Democrats, 4 Republicans—4, Hayes; 2 Tilden.
5. Returning Board in La., 4 Republicans—for Hayes.
6. Electoral Commission; 8 Republicans, 7 Democrats—8, Hayes; 7, Tilden.

appealed again to President Grant for formal recognition of his claims, but this time he received cold comfort.<sup>313</sup>

President Hayes was confronted with the vexing problem of what course to pursue in regard to the political tangle in Louisiana. If he recognized the Nicholls government, would he thereby vitiate the validity of his own election.<sup>314</sup> If he recognized the Packard government, would it be able to stand unless supported by Federal troops? The newly inaugurated President followed a now familiar custom, and sent a commission to Louisiana to investigate, and, if possible, to arbitrate.<sup>315</sup>

The Commission arrived in New Orleans early in April, and in accordance with their instructions,<sup>316</sup> proceeded to investigate the status of the rival governments. The Commissioners

<sup>313</sup>*Daily Picayune*, March 3, 1877.

Fortier, IV, p. 188.

Letter from President Grant to Governor Packard:  
(Appleton, *Annual Cyclopaedia*, 1877, p. 457.):

Executive Mansion,  
Washington, March 1st, 1877.

Governor S. B. Packard  
New Orleans, Louisiana.

In answer to your dispatch of this date, the President directs me to say that he feels it his duty to state frankly that he does not believe public opinion will longer support the maintenance of State Government in Louisiana by the use of the military, and that he must concur in this manifest feeling.

The troops will hereafter, as in the past, protect life and property from mob violence when the State authorities fail; but under the remaining days of his official life they will not be used to establish or to pull down either claimant for control of the State. It is not his purpose to recognize either claimant.

C. C. SNIFFIN, Secretary.

<sup>314</sup>Rhodes, VII, p. 352.

*Annual Cyclopaedia*, 1877, p. 457. "President Hayes would impeach his own title were he to refuse Governor Packard recognition." Telegraphed by United States Marshall Pitkin to Packard from Washington.

*Daily Picayune*, March 22, 1877.

<sup>315</sup>Rhodes, VII, p. 353.

*Annual Cyclopaedia*, 1877, p. 461.

McClure, p. 267.

<sup>316</sup>*New Orleans Democrat*, April 5, 1877. Instructions to Hayes' Commissioners.

"I am instructed by the President to lay before you some observations upon the occasion and object which have led him to invite you as members of the Commission about to visit the State of Louisiana and to undertake this public service. The service desired of and intrusted to the Commission does not include any examination into or any report upon the facts of the recent State election, or of the canvass of the votes cast at that election. But it is important that the President should know what are the real impediments to a regular, legal, and peaceful procedure by which the anomalies in the government in Louisiana may be settled without the use of the military. The President wishes your first attention to the removal of obstacles to the acknowledgment of one government and the representation of the State in its relations to the general Government . . . Collect public opinion in Louisiana, and report as quickly as possible, for the President wishes to withdraw the troops from Louisiana.

April 2, 1877.

WM. M. EVARTS."

The Commission consisted of four Republicans and one Democrat: Jos. R. Hawley, John M. Harlan, Wayne McVeigh, John C. Brown, C. H. Lawrence.  
*Daily Picayune*, March 29, 1877.



directed their main efforts to securing a majority of members not questioned by either party in both Houses of the Nicholls Legislature, for there was no hope of effecting such a result in the rival body. By April 20th, several members had transferred from the Packard Legislature to the Nicholls Assembly; by April 22nd more erstwhile "absentees" had been sworn in to the same body, and Louisiana had *mirabile dictu* only one legislature.<sup>517</sup>

President Hayes wrote to George McCrary, Secretary of War, directing the early removal of the Federal troops from Louisiana; Secretary McCrary issued the necessary orders to General W. T. Sherman, who through General Sheridan transmitted the instructions to General Augur at New Orleans.<sup>518</sup> On April 24th, 1877, at noon, five companies of infantry marched away from the State House amid the shouts and demonstrations of the people. Two days later Governor Nicholls and the state officers proceeded in a body, with the General Assembly to take

<sup>517</sup>Annual Cyclopaedia, 1877, p. 462.

New Orleans Daily Democrat, April 22, 1877.

<sup>518</sup>New Orleans Daily Democrat, April 2, 3, 5, 7, 8, 10, 22, 1877.

Daily Picayune editorials, March 15, 23, 25, 1877.

Annual Cyclopaedia, 1877, pp. 462-463; Report of the Commission to Hayes: "Governor Packard at the State House with his legislature and armed police force—no quorum in his Senate, hence his legislature is inactive. The Supreme Court recognizing his authority has not tried to transact business since being dispossessed January 9, 1877. Governor Nicholls occupying Odd Fellows Hall as State House—his legislature active—all departments of the City Government recognize his authority—the Supreme Court nominated by him is holding daily sessions—taxes are voluntarily paid into his treasury before due. There is a quorum in his Senate upon either theory of law—a quorum in his House upon the Nicholls, but not on the Packard theory. The only hope of a practical solution was the union of enough members of the rival legislatures to make a quorum, thence the settlement of other questions could be gradually worked out. This first step has been accomplished."

Fortier, IV, p. 190-191. "The adherents of the Nicholls government made it easy for President Hayes by declaring that they did not claim that the Legis-

lature could not create a Returning Board in regard to the appointment of presidential electors, but that they did claim that such a Returning Board had no jurisdiction in the matter of the gubernatorial election. It was universally conceded that Nicholls and Wiltz had received a majority of the votes cast and the matter was decided on the following grounds: The Returning Board could and did reject votes cast for presidential electors; the Electoral Commission upheld the action of the Returning Board and declared Louisiana's electoral vote for Hayes; the Returning Board had no authority to count or reject votes for Governor, Lieutenant Governor and other State officers, such authority being vested by the Constitution, Arts. 34 and 48, and by statutes, election laws, in the Legislature, which body declared for Nicholls and Wiltz; thus it did not follow that if Hayes was declared elected, so also was Packard."

McClure, pp. 267-268. "The negroes of the Packard Legislature had to be bought. The members of the Commission had no part in this transaction—the Louisiana Lottery Company furnished the money to pay the negroes in return for which the Nicholls Legislature granted the Lottery a twenty-five year charter."

possession of the St. Louis Hotel. It was the end of Reconstruction in Louisiana.<sup>319</sup>

### <sup>304</sup>APPENDIX E-1

Decision of the Electoral Commission, in Re Louisiana. Taken from House Journal, 2nd Session, 44th Congress, page 469.

Electoral Commission,  
Washington, D. C.,  
February 16th, A. D., 1877.

To the President of the Senate of the United States, presiding in the meeting of the two houses of Congress under the act of Congress entitled "An act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, for the term commencing March 4th, A. D. 1877," approved January 29th, A. D. 1877:

The Electoral Commission mentioned in said act, having received certain certificates and papers purporting to be certificates, and papers accompanying the same, of the electoral votes from the State of Louisiana, and the objections thereto submitted to it under said act, now report that it has duly considered the same, pursuant to

said act, and has by a majority of votes decided, and does hereby decide, that the votes of William P. Kellogg, J. Henri Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, Aaron B. Levissee, Orlando H. Brewster and Oscar Joffrion, named in the certificate of William P. Kellogg, Governor of said State, which votes are certified by said persons, as appears by the certificates submitted to the commission as aforesaid, and marked numbers One (1) and Three (3) by said commission, and herewith returned, are the votes provided for by the Constitution of the United States, and that the same are lawfully to be counted as therein certified, namely:

Eight (8) votes for Rutherford B. Hayes, of the State of Ohio, for President; and

Eight (8) votes for William A. Wheeler, of the State of New York, for Vice-President.

<sup>319</sup>New Orleans Democrat, April 24, 1877. Nicholls' Proclamation:

Executive Department,  
State of Louisiana,

New Orleans, April 24, 1877.

By direction of the President of the United States, the troops now stationed in the vicinity of the St. Louis Hotel and elsewhere within the limits of this City will be removed to their usual barracks at 12 m. this day. The welfare of the State demands, and my official honor is pledged that the carrying out of this order will result in no disturbance. In furtherance thereof, I request and urge citizens of Louisiana to pursue their usual avocations and to abstain from congregating in the neighborhood of the St. Louis Hotel.

FRANCIS T. NICHOLLS,  
Governor of Louisiana."

*Ibid.*, "Louisiana's Freedom." Painscourtville, Assumption Parish, April 20, 1877. 100 guns fired here tonight in honor of Governor Nicholls and his government.

New Orleans Daily Democrat, April 24-25-26, 1877.

Rhodes, VII, p. 353.

Appendix E-4. "The Political Ichabod." Annexed to this chapter.

The commission has by a majority of votes also decided, and does hereby decide and report, that the eight persons first before named were duly appointed in and by the State of Louisiana.

The brief ground of this decision is that it appears, upon such evidence as by the Constitution and the law named in said act of Congress is competent and pertinent to the consideration of the subject, that the before mentioned electors appear to have been lawfully appointed such electors of President and Vice-President of the United States for the term beginning March 4th, A. D. 1877, by the State of Louisiana, and that they voted as such at the time and in the manner provided for by the Constitution of the United States and the law.

And the commission has by a majority of votes decided, and does hereby decide, that it is not competent under the Constitution and the law as it existed at the date of the passage of said act to go into evidence aliunde the papers opened by the President of the Senate in the presence of the two houses to prove that other persons than those regularly certified to by the Governor of the State of Louisiana on and according to the determination and declaration of their appointment by the returning officers for elections in the said State prior to the time required for the performance of their duties had been appointed electors, or by counter proof to show that they had not; or that the determination of the said returning officers was not in accordance with the truth and

the fact; the commission by a majority of votes being of the opinion that it is not within the jurisdiction of the two houses of Congress assembled to count the votes for President and Vice-President to enter upon a trial of such questions.

The commission by a majority of votes is also of the opinion that it is not competent to prove that any of said persons so appointed electors as aforesaid held an office of trust or profit under the United States at the time when they were appointed or that they were ineligible under the laws of the State, or any other matter offered to be produced aliunde the said certificates and papers.

The commission is also of the opinion by a majority vote that the returning officers of elections who canvassed the votes at the election for electors in Louisiana were a legally constituted body by virtue of a constitutional law, and that a vacancy in said body did not vitiate its proceedings.

The commission has also decided, and does hereby decide by a majority of votes, and report, that as a consequence of the foregoing and upon the grounds before stated that the paper purporting to be a certificate of the electoral votes of said State of Louisiana, objected to by Timothy O. Howe and others, marked N. C. No. 2, by the commission and herewith returned, is not the certificate of the votes provided for by the Constitution of the United States, and that they ought not to be counted as such.



Done at Washington the day  
and year first above written.

SAM. F. MILLER

W. STRONG

JOSEPH P. BRADLEY

GEORGE P. EDMUNDS

O. P. MORTON

F. T. FRELINGHUYSEN

JAMES A. GARFIELD

GEORGE F. HOAR

<sup>309</sup>APPENDIX E-2

Letter of Stanley Matthews and Charles Foster to John B.  
Gordon and J. Young Brown.

Washington City,  
February 17th, 1877.

Gentlemen:

Referring to the conversation  
had with you yesterday, in  
which Governor Hayes' policy  
as to the status of certain South-  
ern states was discussed, we de-  
sire to say that we can assure  
you, in the strongest possible  
manner, of our great desire to  
have him adopt such a policy as  
will give to the people of the  
States of South Carolina and  
Louisiana the right to control  
their own affairs in their own

way, subject only to the Consti-  
tution of the United States and  
the laws made in pursuance  
thereof, and to say further, that  
from an acquaintance with and  
knowledge of Governor Hayes  
and his views, we have the most  
complete confidence that such  
will be the policy of his admin-  
istration.

Respectfully,  
STANLEY MATTHEWS  
CHARLES FOSTER.

To Hon. John B. Gordon and  
Hon. J. Young Brown.

## 812 APPENDIX E-3

## RESULT OF THE ELECTORAL VOTE

No. of Electoral Votes to which each state is entitled.	State	Rutherford B. Hayes of Ohio	Sam'l T. Tilden of New York	Wm. A. Wheeler of New York	Thos. H. Hen- dricks of Indiana.
10	Alabama .....	..	10	6	10
6	Arkansas .....	..	6	..	6
6	California .....	6	..	6	..
3	Colorado .....	3	..	3	..
6	Connecticut .....	..	6	..	6
3	Delaware .....	..	3	..	3
4	Florida .....	4	..	4	..
11	Georgia .....	..	11	..	11
21	Illinois .....	21	..	21	..
15	Indiana .....	..	15	..	15
11	Iowa .....	11	..	11	..
5	Kansas .....	5	..	5	..
12	Kentucky .....	..	12	..	12
8	Louisiana .....	8	..	8	..
7	Maine .....	7	..	7	..
8	Maryland .....	..	8	..	8
13	Massachusetts .....	13	..	13	..
11	Michigan .....	11	..	11	..
5	Minnesota .....	5	..	5	..
8	Mississippi .....	..	8	..	8
15	Missouri .....	..	15	..	15
3	Nebraska .....	3	..	3	..
3	Nevada .....	3	..	3	..
5	New Hampshire .....	5	..	5	..
9	New Jersey .....	..	9	..	9
35	New York .....	..	35	..	35
10	North Carolina .....	..	10	..	10
22	Ohio .....	22	..	22	..
3	Oregon .....	3	..	3	..
29	Pennsylvania .....	29	..	29	..
4	Rhode Island .....	4	..	4	..
7	South Carolina .....	7	..	7	..
12	Tennessee .....	..	12	..	12
8	Texas .....	..	8	..	8
5	Vermont .....	5	..	5	..
11	Virginia .....	..	11	..	11
5	West Virginia .....	..	5	..	5
10	Wisconsin .....	10	..	10	..
369		185	184	185	184

\*44th Congress, 2nd Session, House Journal, p. 612, March 1, 1877.

## 319 APPENDIX E-4

Daily *Picayune*, March 23rd, 1877. "The Political Ichabod."

The rule of the carpet bagger in Louisiana is ended. The Returning Board has for the last time borne its foul fruit of infamy and crime. Upon this the people of Louisiana have resolved with stern purpose. Electoral Commissions may swear away the honor of the nation by defrauding a presidential elector of his right; United States Senators may embrace perjury and fraud by voting Kellogg into a seat to which they know he has no title; investigating commissions may come and go, while President and Cabinet higggle and hesitate as to whether they shall stand by law, but never again in Louisiana, while people have courage to maintain their laws, will the creatures of perjury and fraud be able to capture and debauch the government of the State!!!

They have appealed to laws until the law itself has been tortured into a mockery and fraud against them. They have gone before the public, complaining of their grievances until the public ear has wearied.

They have endured until endurance has ceased to be a virtue. When Washington Commissions come to Louisiana, whatever be their mission, they will find the people of this State living peaceably under the government of their choice. The people know that this is their government, lawfully elected and installed, and they intend to maintain it with what means the political pirates have left them, and if necessary, with what force they can command. They recognize the duty they owe to themselves and to posterity and to their fellow countrymen to maintain free government and the purity of the ballot and to that end to remove this infamous school of Returning Boards from the political scheme and see that it shall never more curse and blacken the history of the State!

The political carpet bagger has had his day of usurpation—his power for mischief has well nigh departed—his sun has gone down in the gloom of an infamy which will never have a returning dawn in Louisiana.



## AFTERWORD

IN JULY, 1877, the Grand Jury of the Parish of Orleans returned an indictment against J. Madison Wells, Thomas C. Anderson, G. Casanave and Louis M. Kenner, members of the late Returning Board, for perjury, forgery and altering the returns of the Parishes of the State.<sup>320</sup> Wells protested that this action of the Grand Jury was a violation of Joint Resolution No. 95, passed by the State Legislature on April 20th, 1877, "That the Nicholls government will discountenance any attempted persecution from any quarter of individuals for their past political conduct."<sup>321</sup>

Pending trial, application was made by Anderson and the other three for a writ of habeas corpus cum causa to remove the case from the Superior Criminal Court of the Parish of Orleans to the United States Circuit Court.<sup>322</sup> The motion to transfer was denied.<sup>323</sup>

The case came to trial in the State Court on January 28th, 1878, at which time only three of the defendants appeared.<sup>324</sup> The Attorney General made a motion for severance, to which the defense objected. The Court overruled the objections and the case against Thomas C. Anderson was called.<sup>325</sup> On February 8th, the jury returned a verdict of guilty, and Judge Whitaker sentenced Anderson to two years at hard labor in the State Penitentiary.<sup>326</sup> When the case was appealed to the State Supreme Court that tribunal set aside the verdict of the jury and discharged the prisoner from custody. The Supreme Court implied in its decision that the trial should have resulted in an acquittal

<sup>320</sup>Trial of Thomas C. Anderson, No. 1488, Superior Criminal Court for the Parish of Orleans, (cited hereafter as Trial of Thos. C. Anderson) p. 111. New Orleans Daily Democrat, July 4, 1877.

<sup>321</sup>New Orleans Daily Democrat, July 4, 1877.

<sup>322</sup>Appendix to Trial of Thos. C. Anderson, p. 8. Annual Cyclopaedia, 1878, p. 495.

<sup>323</sup>Appendix to Trial of Thos. C. Anderson, p. 9. Annual Cyclopaedia, 1878, p. 495.

New Orleans Daily Democrat, Feb. 3, 1878.

<sup>324</sup>Trial of Thomas C. Anderson, p. IV.

New Orleans Daily Democrat, Jan. 26-29, Feb. 4, 1878.

Sheriff Houston arrested Anderson, Casanave and Kenner in a back room of the Custom House, but failed to apprehend Wells until February 4th, when he captured him at the Rigolets, sick from exposure and showing symptoms of pneumonia.

<sup>325</sup>Trial of Thomas C. Anderson, p. IV.

<sup>326</sup>Ibid., p. 181, 183.

Annual Cyclopaedia, 1878, p. 495.

not because Anderson was not guilty, but because the act committed constituted no crime known to the law of the State.<sup>327</sup>

In 1879, the Forty-fifth Congress sent two Committees to Louisiana to investigate alleged electoral frauds in the late presidential election<sup>328</sup>. The Potter report, submitted to the House March 3rd, 1879, scored the Returning Board for "outrageous injustice" and "general misconduct," and furnished evidence of false census, fraudulent registration and organized Republican fraud. The same report included a list of seventy-five persons connected with the canvass or election in 1876 subsequently appointed to or retained in a Federal office. The report went on to relate that the first certificate presented by the Kellogg electors to the Senate was invalid because of technical errors in form, and

<sup>327</sup>*Annual Cyclopaedia*, 1878, p. 495.

Also *State vs. Anderson*, 30 La. Ann. 557 (Sup. Ct. of La.) April, 1878. One of the great decisions of Chief Justice Thomas Courtland Manning. H. N. Ogden, Atty. Gen. and J. C. Egan, Asst. Atty. Gen., appeared for the State. The offense charged, as given in the Supreme Court opinion, was that of falsely uttering and publishing as true a certain altered public record, namely the election returns from the Parish of Vernon. After a most careful analysis of the case and convincing reasoning by the Chief Justice in a most dispassionate manner showing the failure of the bill of information to charge an offense, he states, near the close of the opinion:

"It is not needful to say more for the decision of this cause, nor were we inclined to advert to any of its features, other than those presented by the record. But we are driven from this reticent attitude by having spread before us in the printed argument of some of the defendant's counsel an open letter, dated 'Washington, February 4, 1878,' addressed to the prisoner, and signed by John Sherman, Stanley Matthews and others, in which the public and the people from which the jurors are to be drawn for his trial, is informed that he is falsely accused and maliciously persecuted."

The Chief Justice then refers to a similar occurrence in the notorious Tichborne Case in British annals, and pronounces a scathing rebuke to the authors of this letter.

A rehearing was granted upon the impassioned application of the Attorney General, which, unusually, is quoted at page 565, and then follows nine pages of its opinion on rehearing, adhering to its original decree, closing with the following eloquent paragraph, unequalled in the

recitals of Louisiana jurisprudence:

"If this court had yielded to the impassioned and justifiable zeal of the prosecuting officer, or had been swayed by the feeling, natural and spontaneous among all good men, of detestation of a great crime against free government and the rights of the people, and by reason thereof, had permitted its judgment to be clouded by passion, or warped by love of applause, or to be influenced by any consideration, other than its duty with sedulous care to ascertain the law and with firm purpose to apply it, it would be unworthy of the high place which it holds in the government of the State. It would argue a deplorable state of public morals, if it could be confidently assumed before-hand in a case such as this, what the decision of a court would be from the known political affiliations or antipathies of its members. It would be a public calamity, the extent of which could not be measured, if a court should prevent the escape of an accused person by torturing the well-settled principles of law, applied through long years to criminal prosecutions with unvarying uniformity, and bend them to the accomplishment of partisan desires. Rather let it be known of all men that a court can consider neither expediency nor policy—that it cannot shape its judgment either to realize the hopes of friends or to quiet the fears of foes—and that judges may abhor a malefactor, and yet refuse to condemn him contrary to the law."

The Associates Justices who joined unanimously in this firm decision were men whose names are cherished among the bench and bar of Louisiana: Robert Hardin Marr, Alcibiade DeBlanc, William B. Giles Egan, and William Brainerd Spencer.—J. FAIR EGAN HARDIN, ED.

<sup>328</sup>45th Congress, 3rd Session, Senate Journal, pp. 69, 79.

45th Congress, 3rd Session, House Journal, p. 235.

that when the President of the Senate, Ferry, so informed Anderson on December 25th, 1876, he, Anderson, returned immediately to New Orleans to procure a second certificate. New papers were prepared, antedated December 6th, which bore the signatures of the eight Hayes electors, although Levissee and Joffrion were absent from New Orleans and hence could not have signed the new certificates. The forged documents were sent to the Senate. Zach Chandler, President Ferry, John Sherman, Senator Frye and the Electoral Commission knew of the forgery and arranged to have the carrying motion limited to Certificate No. 1, which bore the actual signature of the eight Hayes Electors. Later, in making up the Congressional Record, the forged certificate was suppressed.

The Potter Report concluded that in the Presidential election of 1876 the choice of the people was annulled and reversed in Louisiana by the fraudulent action of the Returning Board, whose action was encouraged by John Sherman, who was soon appointed Secretary of the Treasury; that a Republican conspiracy existed in Louisiana; that the signature of two Louisiana Electors was forged; that Tilden and Hendricks were the choice of the people of Louisiana.<sup>329</sup>

<sup>329</sup>45th Congress, 3rd Session, House Reports, Vol. I, Report 140, pp. 23-67



## BIBLIOGRAPHY

- House Journal, Forty-second Congress, Third Session, 1873.  
 Senate Journal, Forty-second Congress, Third Session, 1873.  
 Senate Reports, (No. 417, No. 457) Forty-second Congress, Third Session, 1873.  
 House Journal, Forty-third Congress, Second Session, 1874-1875.  
 Senate Journal, Forty-third Congress, Second Session, 1874-1875.  
 House Reports (No. 101, No. 261), Forty-third Congress, Second Session, 1874-1875.  
 House Journal, Forty-fourth Congress, Second Session, 1876-1877.  
 Senate Journal, Forty-fourth Congress, Second Session, 1876-1877.  
 Congressional Record, Vol. V, Part 4, Forty-fourth Congress, 1876-1877.  
 House Miscellaneous Documents (Doc. 34, Parts 1-6) Forty-fourth Congress, Second Session, 1876-1877.  
 House Reports of Committees (Report 156) Forty-fourth Congress, Second Session, 1876-1877.  
 Senate Executive Documents, (Vol. I, No. 2), Forty-fourth Congress, Second Session, 1876-1877.  
 Senate Reports of Committees, (Vol. IV, Parts 1-3, Report 701), Forty-fourth Congress, Second Session, 1876-1877.  
 House Journal, Forty-fifth Congress, Third Session, 1878-1879.  
 Senate Journal, Forty-fifth Congress, Third Session, 1878-1879.  
 House Reports, (No. 140), Forty-fifth Congress, Third Session, 1878-1879.  
 Senate Reports, (Report 855), Forty-fifth Congress, Third Session, 1878-1879.  
 Rhodes, James Ford; *History of the United States from the Compromise of 1850 to the McKinley-Bryan Campaign of 1896. Eight Volumes. Vol. VII, 1872-1877.* New York, 1920.  
 Fortier, Alcee; *A History of Louisiana. Four Volumes. Vol. IV.* New York, 1904; *Louisiana in Cyclopaedia Form (1914) Vol. II, "Secession."*  
 Dart, *History of the Supreme Court of Louisiana, Louisiana Historical Quarterly*, 4, January, 1921.  
 Dunning, William Archibald; *Reconstruction, Political, and Economic; 1865-1877. American Nation Series, Vol. 22.* New York, 1907.  
 Elson, Henry William; *History of the United States of America.* New York, 1905.  
 Forman, S. E.; *Our Republic.* New York, 1925.  
 Fleming, Walter Lynwood; *The Sequel of Appomattox. (Chronicle of America Series, 32).* New Haven, 1921.  
 Burgess, John W., *Reconstruction and the Constitution, 1866-1876.* New York, 1907.  
 Haworth, Paul L., *The United States in Our Own Times, 1865-1920.* New York, 1920.  
 McClure, A. K., *Our Presidents and How We Make Them.* New York, 1905.  
 Shippee, Lester Burrell; *Recent American History.* New York, 1924.  
 Stanwood, Edward; *A History of the Presidency, 1788-1897. Two Volumes. Vol. I.* New York, 1924.  
*Journal of the Constitutional Convention of Louisiana, 1868.*  
*Statutes of Louisiana. Digest of 1870.*  
 Trial of Thomas C. Anderson, No. 1488, Superior Criminal Court, Parish of Orleans, reported by T. Wharton Collens. New Orleans, 1878.  
 Appleton's Annual Cyclopaedia and Register of Important Events of the year 1867.  
 Ibid, 1872, 1873, 1874, 1875, 1876, 1877, 1878. New York, 1867-1878.  
 North American Review, Vol. CXXV., July-December, 1877.  
 Black, J. S., *The Electoral Conspiracy, July.*

Stoughton, E. W., *The Electoral Conspiracy Exploded*, September.  
Gayarre, Charles; *The Southern Question*, November.  
*North American Review*, April, 1878.  
Julian, George W., *The Death Struggle of the Republican Party*.  
*Atlantic Monthly*, October, 1901. Dunning, William Archibald; *The Undoing of Reconstruction*.  
*The Century Magazine*, October, 1901; Northrup, Milton Harlow; *A Grave Crisis in American History*.  
*The New Orleans "Republican."*  
*The New Orleans "Daily Democrat."*  
*The New Orleans "Times."*  
*The Daily Picayune*, (New Orleans).  
*The Louisiana Democrat*, (Alexandria).  
*The Rapides Gazette*.

CONSULTED BUT NOT CITED

Gibson, A. M., *A Political Crime*. New York, 1885.  
Fleming, Walter Lynwood, Editor; *Documentary History of Reconstruction*.  
Two Volumes. Cleveland, 1907.  
Hamilton, Peter Joseph; *The Reconstruction Period—History of North America*, edited by F. N. Thorpe, Vol. XVI.  
*Atlantic Monthly*, July, 1901, Phelps, Albert; *New Orleans and Reconstruction*.  
*Atlantic Monthly*, September, 1901; Page, Thomas Nelson; *The Southern People During Reconstruction*.  
Harlow, Ralph Volney; *The Growth of the United States*. New York, 1925.

THE END



*a*  
**DUFOUR'S LOCAL SKETCHES, 1847**

---

*("Esquisses Locales par Un Inconnu")*

Translated under the editorial supervision of

**ROBERT WILLIAM COLOMB**

Secretary Louisiana Historical Society and Member Editorial Advisory  
Board, Louisiana Historical Quarterly

---

(CONTINUED FROM JANUARY, 1932, QUARTERLY)

**FIFTH INSTALLMENT**

---

**FOREWORD**

---

**W**E CONCLUDE in this issue of the Quarterly the translations of the Dufour Sketches, dedicated to the readers of the Quarterly by a group of themselves. The sketches are pen pictures by Mr. Dufour of 48 of his contemporaries who were prominent in the public life of the old French city, when old Time was younger. The author pointed out their parts and acquirements, their depths and their shallows. He did this with a brother's eye, in a vein of wit and humor, with an ease and felicity of expression, and with a great command of the French language.

The primary purpose of the labor was to preserve the most outstanding literary production of that era in a department (biography) that was not attempted by any other writer of that time. It was impossible to print the text, for French has largely ceased to be the language of the general run of readers of even an historical magazine.

The Quarterly decided it should be preserved as a part of the history of the literature of Louisiana, and also to submit to the judgment of a later generation the art, taste, style, and substance of a book that had the appreciation of its own age, and was still living in the memories of old scholars. Whether this could be done by rendering it into English was the critical problem. The translator believed he had found a vein of intellectual ore in his corps of collaborators, and the recollection of that agreeable company raises an honest glow in his bosom.



It is due to the sympathetic interest, and good offices of the editor Mr. Henry P. Dart, that any success has come to the undertaking, and we are glad to have been the means of reviving interest in this ancient classic of Louisiana, and preserving it for ourselves and futurity.

New Orleans, 1932.

—R. W. C.

---

XXXIX

DOMINIQUE ROUQUETTE

(*Courrier*, April 10, 1847)

Translation by PAUL VILLERÉ

After the two historians of Louisiana, I pause to consider a man who deserves, in many respects, the attention of his fellow-citizens. Mr. Rouquette is little known by some, imperfectly by others. The deplorable loneliness in which he has placed himself for so long a time, has allowed only a small number of his friends to know him fully.

Mr. Rouquette has a beautiful poetical talent; he possesses an original form: his verses wind and play with freedom. When his "*Meschacébéennes*" came out for the first time, we were initiated into the brilliant resources of the poet and there was a unanimous impulse to follow the path which was opened by this new star. But the indifferent poet became silent, and the star barely rose above the first vapors of the horizon. Solitude and meditation have left to Mr. Rouquette an air of seriousness and reflection; when he passes by, absent-minded and pre-occupied, one could never tell that only a small incident could make him burst out in scintillating and happy words. It is with him just like a flint—a cold and modest stone—crowning itself with sparks at the slightest shock. In a small circle of friends, when he feels himself under the dilating flame of the eyes of his comrades, he brightens up in ingenuous repartees, in erudite finesses, in piquant witticisms. He permits himself then, in a nonchalant way, all the caprices, all the whims, all the literary acrobatic feats. Very many songs, gay, noble, gracious, malicious, then created, are born and die in the space of an hour. Nothing equals his facility in the making of them, if it were not the lackadaisical way in which he forgets them.

The reverse of others, it is only in his spare moments that he permits himself to take his place.

But as much as his conversation has of suppleness, so much is his humor unequalled and changeable. As soon as a stranger enters into his intimate joys, then at once he becomes silent and of a despairing monotony. To see him so unwilling to shine and allowing others to come forward, with such good will, one would consider him of a mediocre intellect, who has at least the merit of being able to judge well of himself, if it were not that his profoundly pensive aspect did not immediately give a lie to this supposition. He is simplicity itself; he shrinks voluntarily, before anything that has a savor of ceremony. He has not the slightest pretense of tact, and at times causes one to regret that while having so much erudition he does not put this erudition together with tact.<sup>12</sup> (This sentence is a pun on French words and therefore impossible of translation.) He seems to hide himself with as much care as another one would take to put himself forward. It is truly astonishing to note with what sobriety he uses his great knowledge of the world as many others only hope to scatter their small baggage. Does he not know that he throws away so much that is worth its weight in gold?

The rumor has often arisen that Mr. Rouquette is occupying himself in silence on important historical works. His prose is simple, varied, picturesque; its style would carry him quickly to success. Should he concentrate his ideas on works that ripen and are conscientious, I have no doubt that instead of making a simple sketch he will offer the occasion some day to make a useful study.

\* \* \* \*

## XL

### FELIX DE COURMONT

(*Courrier*, April 27, 1847)

Translation by CONVENT OF MERCY HIGH, St. Martinville, La.

Here I am at the very center of the brilliant galaxy of our literary men. I admit that I am not altogether a victim to the illusions of the subject, for I recognize that we can scarce

<sup>12</sup> Il n'a pas la plus légère teinte de savoir-faire, et fait quelque fois regretter que tant de Savoir ne sache pas faire alliance avec le savoir-faire.

penetrate into our literary world without coming upon talented young writers concerning whom it would be unfair to speak absolutely. However, all these splendid sails wafted here and there at random, at the mercy of their changing fancies, will offer to future generations a spectacle lacking neither charm nor interest.

Mr. de Courmont is not a debutant—far from it. He rides Pegasus<sup>12</sup>—a restive mount, as you well know—with all the assurance of the bold cavalier. After a long period, during which he had rested satisfied with the modest couplet, with easy and unpretentious verse, with the sweet and subdued tones of the lute, he awoke one fine day—fatal day!—with the sinister idea of writing satire. Alas! it is necessary at times to be on one's guard against the muses of too great poetic fire and too great assurance; inspiration too has its martyrs. Have you heard of the Taenarion?<sup>13</sup> It is an ancient temple which modern ignorance had practically forgotten. Piously restored in Alexandrine verse, that temple was the sanctuary which Mr. de Courmont had chosen to offer his weekly sacrifices. But—sorry occurrence which proved only too cruelly, if justly, that Saturn is no mere myth—the poet himself was the first to be immolated. The pitiless shroud of the temple enveloped him as a victim, and the sacrifice was consummated. I could not say whether there have been other immolations since that time.

There is no reason whatsoever why Mr. de Courmont should have failed to travel, sooner or later, that way which he had dreamed of traveling. He needed only to be allowed to climb in his own fashion, undisturbed by importunate outcries, the sacred mountain. But, instead, he has been harassed; grammar and prosody, under the most trifling pretexts, rivaled each other in their attempts to impede him; he was obliged ever and anon to interrupt his work to cry to these silly jades:

“Deliver me from that brawling!”

You will admit that under such régime, good satire is impossible. The arm of the satirist, raised to strike, was every

\* *Pegasus*. The mythical winged steed which was fashioned by Neptune from the blood that trickled into the sea from the head of Medusa. . . . he flew away to the skies and was made the constellation which bears his name.

<sup>13</sup> *Le Taenarion* was a collection in 12 parts, of *Satire, Epistles* and *Merry Jest*s, by Mr. de Courmont, which was reviewed in the *Courrier* of the 16th of April, 1847, by Philo-Taenarion. Also Fortier, Vol. 2, p. 74; also *Comptes-Rendus Athénée Louisianais* for 1892, p. 215.



moment checked. Heaven did not permit him to share in the resplendent glory of great poetic passion. *Sic erat in fatis!*<sup>14</sup>

But, Mr. de Courmont has ample cause for comfort. Before he plunged headlong into the fierce heat of satire, I recognized as his a very lovely share of literary spoils. The sweet harmony of the romance, the light and graceful refrain, an elegant and simple prose style—until senseless pretensions came to spoil it—these, I believe, are truly his.

\* \* \* \*

# XLI

ARTHUR DENIS

(*Courrier*, April 27, 1847)

Translation by JEANNE DUPUY HARRISON

It has been said, through malice, perhaps, that the Unknown greatly resembled Mr. Denis. It's a sorry compliment they've found to pay to this young writer. I cannot flatter myself upon possessing his bubbling humor, his malicious gaiety, his jokes—lively, gay, happy mixture of reason and folly. Here there is a real future. This style, nevertheless, is not at the point where it can express all the perfection of his thought. His pen is like those heroic volunteers who go to battle with the real fighting spirit later, tomorrow perhaps, they add to their brilliant courage, consummate skill. One of these days, when I shall have laid aside my mask, I'll tell him frankly not to tyrannize his ideas so much. He does not content himself with using them, he wears them out. This manner gives him prodigious strength in certain discussions. When once he has a whim, a ridiculous caprice, he does not let it go, but wears it threadbare. It's absolutely the case of the cat who shakes the mouse, half-dead, who contrives to torment it, who tosses it up in the air, then hurls it to the ground, who lets it escape one minute so as to run after it the next.

It is with him that Mr. de Courmont had a quarrel on the subject of his satires, and God only knows what the satirist had to go through on account of this regrettable circumstance. Ill luck would have it that Mr. Denis should discover some-

<sup>14</sup> Thus he was in the decree of the Fates.

thing that strangely resembled a verse with 13 syllables; those majestic Alexandrines were surrounded by a staff full of a superb disdain for the rules that Mr. Denis had learnt to repeat. That made a poet of him; his poetic licenses were for ever afterwards demonetized. The "Taenarion"<sup>1</sup> was satirized, martyred and put to a sauce of the hottest kind. It is your paper, Sir, that had the good fortune to produce these articles of so much savour and gaiety, where the author had proven, without any ostentation, that he knew perfectly the most important periods of French literature.

Mr. Denis belongs to the young bar of New Orleans, where so many keen intellects are waiting for their hour to come. I hope that sooner or later, he will hold the rank to which his personal merit assigns him. If he puts into his pleadings the animation and the "finesse" that he lavishes in his talks, Mr. Denis will just simply be one of our wittiest lawyers.

\* \* \* \*

## XLII

### NUMA DUFOUR

(*Courrier*, April 27, 1847)

Translation by HELOISE H. CRUZAT\*

If I had the mocking and caustic pen of M. Dufour, I would pity the folk who, they say, threaten me with their idle stories. I assure you that they would not have a fair chance, notwithstanding the infernal noise they make. I would make them walk on fulminating capsules and it would be a pretty dance.

M. Dufour is yet very young, however the nervous curve of his phrase would seem a disciplined talent. His sure and profound instincts replace experience. He hides a precocious power of observation under a simple outer semblance and without pretension.

His serious, deliberate nature is little susceptible to trifling and enthusiasm; but when he writes, anything will raise the

<sup>1</sup> See footnote to the de Courmont sketch.

\* Mrs. Heloise H. Cruzat, the translator of the sketch of Mr. Numa Dufour, for a number of years translated with notable success and distinction, the Records of the Superior Council, published in each issue of the Quarterly. She contributed items of value to the annals of the Society, and thereby enriched them. She passed to her eternal reward on the tenth day of May, 1931. R. I. P.—(R. W. C.)

cutting wind of mockery; he speaks as every one else, and if judged by his conversation, one would be far from suspecting the ingenious resources of his pen.

He has the stuff of a fecund and actual journalist; his style is easy, serious, of extreme suppleness, more remarkable by the accuracy of expressions than by the riches of his periods. It is comic when he so wills, which is rare enough; but with the most ordinary words, the most familiar turns—the comic is entirely in the idea. This manner does not excite wild laughter; it is delicate pleasantry, in which there is as much taste as probability. The realism of his mind seems to dominate all his other faculties. From this a certain steadiness of imagination. When he sees it madly let loose its tempests and aspire to bend everything in the way of its illusive squalls, he hardly stops to admire these inopportune splendors, eager to attribute it all to reality. He does not willingly stray from the truth to the fantastic; fiction with him is always inspired by fact.

Too much reserve has long relegated M. Dufour to a sort of doubtful penumbra. You see that the best things have their excesses. Discretion seems, however, to be the logical result of his character. An enemy to all ostentation, he has remained modest and retiring, and if each has his detested enemy in this world, the charlatan is assuredly his. His merit does not overflow in all its fulness, only inasmuch as it may be useful. It is only then that one guesses its real value and, at the same time, is astonished to find so little glitter.

\* \* \* \*

### XLIII

#### PLACIDE CANONGE

Translation by EDGAR GRIMA

Mr. Placide Canonge is one of our best known writers. He is thoroughly familiar with the many allurements which our city offers in the field of literature. Of these ephemeral productions, whose end comes as rapidly as comes their entry into life, doomed as they are, in this country of ours, to a frail and paltry existence, few there are, if any, which this young writer has not sealed with a liberal touch of his gay humour or dreamy poetical thoughts.



I am at a loss to define the class of writers to which he belongs—each one of his literary productions apparently denotes a new process. He seems to be still weakly wrestling with the angel of visions and struggling against enchanting fictions of all kinds. Often have most of his articles brought to my mind a picture of the “golden water” used by confectioners—in the bottom are seen turning around, particles shining brilliantly, but unsteady and moving about in disorder. When in good luck, he uses his arrows with force, oft darting them at close range; when under the influence of emotion, he imparts to his pen a touching feeling of melancholy.

Literature of our present days is the image of a freakish sea. Some will sink sadly notwithstanding their best efforts, while others will float, battling vigorously. Here are some who float and come forward majestically—they are the men of genius—bow thy head before them! Behold those who skim lightly the surface of the water, as a flock of birds spreading their wings of variegated colors—these are the men of an imaginative turn of mind. It is among them, there is no doubt, that Mr. Canonge would take his place, were he to enter, head forward, into the waters of the sea.

Several times he has attempted the field of the drama. The dialogues, in his plays, appeared to me as lacking in activity. And yet this defect shows nowhere in his own conversation; his quick and shrewd retorts, his keen and picturesque manner of narrating have assured to him the just reputation of a man of social refinement. He has almost always personally acted the principal parts of his dramas; and his wonderful diction, his dramatical feelings have shown a new side of his nature, replete with the most enticing promises.

I foresee a brilliant star in his heaven, one perhaps unknown to him; he has never seriously taken the trouble to look for it. Nature has so generously gifted him, that, should he fail to be one day a success in life, he will not have the sweet consolation of assigning to it the cause of his failure.

## XLIV

ALBERT FABRE

(Courrier, April 27, 1847)

Translation by MISS GEORGINA HERBERT

It is scarcely a year since Mr. Fabre returned to us after quite a long absence. He immediately became known through his theatrical criticisms, which were variously appreciated. Men of fixed ideas, who cross themselves at the sight of facetious trivialities from a gay pen, who would voluntarily take to flight to avoid a single drollery of style, have not failed to seize the opportunity to express their opinion to our young writer.

For my part, I must admit that Mr. Fabre may number me among those in his memorandum book, if he has one, who boldly acknowledge the success of his debates. He possesses the modern spirit which places the "*vix comica*"<sup>15</sup> almost entirely in the expression, in the words. The least humorous idea becomes such by the peculiar manner in which he delights to express it. This, at times, leads to a humor of doubtful taste, which displeases at first, but not sufficiently to repel.

His style is original and full of a lively and facile wit. There are fragments of phrases that are highly accentuated, which seem to be there like the menacing "*quos ego*"<sup>16</sup> of Virgil; further on, his prose seems to be saddened by the spirit of plaintive melodies, but not for long.

In his theatrical bulletin he often spoke of everything except the play and the actors. It was his way of telling them that he had no praise to give. When a critic beats around the

<sup>15</sup> *Vix comica*. La force comique, le pouvoir de faire rire.

Power of Comedy. To cause to laugh. From an epigram by Ceasar on Terence.

<sup>16</sup> *Quos ego*. An unfinished threat of Neptune to the winds and their king from Vergil. Aeneid II, 6. Webster's New Int. Dictionary, p. 1759.

Mots suspensifs dont le sens équivaut à; Je devrais . . . Paroles (en forme de, réticence) que Virgile (Eneide 1 1, 5) met dans la bouche de Neptune, irrité contre les vents déchainés sur la mer, et qui dans la bouche d'un supérieur, expriment la colère et la menace. Larousse's French Dictionary, 148th Edition, Paris, 1918, p. 1091. "Suspensive words, the sense of which is equivalent to: I should . . . Words (in the form of reticence) which Vergil (or Virgil) (Aeneid, 1 1, 5) places in the mouth of Neptune, irritated against the winds released upon the sea; and which in the mouth of a superior, express wrath and threats."

"And do you presume upon your birth? dare you winds without my sovereign leave to embroil heaven and earth, and raise such mountains? "Whom I . . . Translation by Davidson of the Aeneid. This sudden break in speaking is remarked by Donatus Ter. Eun. 1. 1. 20. See the Aeneid by Davidson in Harper's Classical Library, Bk. 1, p. 108, Note 28.

bush, he certainly has a sinister motive; the more force he employs, the more he seems to ignore you, the more dangerous he is.

This artful and cruel politeness requires great resourcefulness on the part of the writer. He must, above all, possess what I should call intoxication of form, so that the reader can willingly follow the thousand deviations of his vagabond pen. It is this background of art and frivolity that Mr. Fabre often delights in exploiting, and he does it with a rare dexterity.

\* \* \* \*

#### XLV

LOUIS SIRET

(*Courrier*, April 22, 1847)

Translation by ETHEL W. USHER

Here is one of the publishers of the little *Éventail* which had the misfortune to die before the closing of the theatre. Mr. Siret was better advised, and his chronicles of the theatre have found a means of filtering through in another direction. They appear now before the eyes of the public in one of those journals so large in size, with an appearance so plainly solid that without a doubt Mr. Siret will have time to pass to another style before the journal passes to another world.

Nothing better could have happened to him, in my opinion. He has begun to follow a droll vein, I don't know how long since, and he is still following it with an incredible tenacity. He seems to have only one desire, only one ambition, that is to say clever things, to do clever things and he says and does them so cleverly that very often you can hardly see them. You suspect the intention but the point escapes you. Don't pursue it—it will flee before your inquisitive steps like those airy, formless phantoms that retreat before the first rays of the sun. Mr. Siret assuredly can write, but for the moment he doesn't concern himself with it; he amuses himself by finessing. At each sentence the reader stops involuntarily, astonished that he understands so little.

It is a form of coquetry which the good judgment of Mr. Siret will not delay long in forsaking. Fame accords him an eminent position in the teaching profession—which proves that



his endeavors in journalism cannot be his last word. Good sense would be worth more, in the long run, than clever bits. There are some articles, written no doubt in moments of abandon, which serve as conclusive evidence. The good things are evidently written by the professor, while the clever things are only imaginings of the journalist.

\* \* \* \*

## XLVI

ABBÉ ROUQUETTE

(Courrier, April 24, 1847)

Translation by LAURA L. PORTEOUS

Do you remember that charming romance where a young novice of the convent heroically refused all the seductions of the world; the most enchanting temptations, the most brilliant promises? She answered in her simple enthusiasm:

No, no I am more aspiring  
I would have the whole world  
And I have taken God for (my) betrothed.

Mr. Rouquette could have aspired to the most varied success; his beautiful head, his sympathetic character, the amazing diversity of his studies, his talent all impregnated with poetry seemed to invite him to partake of the joys and splendors of life. Letters, the Court, the drawing-room would have readily offered him a place. He was more ambitious, he turned towards a more difficult and a more universal glory—he embraced the priesthood.

There are some years since his *Meadows* appeared full of so many touching things. "These charming poems were certainly the daughters of Louisiana, born in the solitude of our plains and of our prairies. It has been said a harmonious echo of the sadness of the country, a reflection of its calm and melancholy beauties. They were on the part of the poet, a song of farewell to the world, and of salutation to his future vocation. He hung his harp on the willows by the shore and did not take it up again."<sup>17</sup>

<sup>17</sup> Ses *Savanes*, pleines de si touchantes choses, parurent il y a quelques années. Ces charmantes poésies étaient bien les filles de la Louisiane, nées dans la solitude de nos savanes et de nos métairies. On eut dit un harmonieux écho des tristesses du pays, un reflet de ses calmes et mélancoliques beautés. Elles furent de la part du poète comme un chant d'adieu au monde et de salut à sa vocation future. Il suspendit sa harpe aux saules du rivage et ne la reprit plus.

But we did not lose anything by this retirement; the poet was but silent to make a place for the sacred orator. Mr. Rouquette made himself heard from the pulpit many times after his entry into Holy Orders; if he continues in this way he is destined to become the preacher of the diocese. I admit that he was wiser to turn aside and relieve himself of the trials of an active ministry. He would have quickly succumbed to the task. His contemplative nature, his spirit unceasingly elevated by his thoughts, or by his reveries could never become acclimated there. This organization, frail and brilliant, at the same time is made to sing of God in solitude, or to proclaim the divine word from on high in the pulpit rather than to co-operate in the daily needs of a cult.

There are in him two wellsprings, one very different from the other, they never sought to neutralize each other, but that dominated him by turn. The well spring of reason and of imagination—side by side with a strong vigorous judgment were a myriad of deceptive illusions. One might say a luminous beacon on the shore of a deceptive ocean.

This phenomenon of his talent at moments lends an inexpressible charm to his words; his phrases bathed in a flood of poetry and in a way nearly with the color of eloquence. But this eloquence I can compare a little to the soil of Louisiana—if it has its fertile fields and its opulent plains, it has also its trembling prairies where the foot hesitates and does not know where to tread. This is an eloquence without experience, perhaps without art, but it does not lack assurance and this is his salvation. Later when his gestures will be surer, his voice better directed, when his syntheses, sometimes more specious than solid, will have given place to the simplicity of analysis, when the congregation will see more distinctly where the orator would lead, the Church will make a valuable conquest and our country will have a celebrity besides.

Mr. Rouquette's conversation is persuasive, and interesting. He has perhaps lived too much away from the world to know all of its needs, but good taste and tact are innate with him. His youth, his sweetness, his tolerance recall involuntarily that suave figure of Gabriel, that Sue has traced so happily in his "*Wandering Jew*", (1846). The evangelic precepts will never have a more amiable monitor.

## XLVII

## ALFRED MERCIER

Translation by EDNA M. BARLOW

There are some men with whom no more than a passing acquaintance is necessary to inspire sincere friendship or to leave lasting memories. Mr. Mercier is absent; however I have often met him in the noise and clamor of the day or chatted with him in the evening. How can I discuss the literature of this country without his name presenting itself to my pen? He left us quite a long time ago; I know not how, why. Would not his compatriots have a right to complain of this absence and to reproach him for it in these touching words of Béranger's:<sup>18</sup> "Why shun thy Fatherland?"

Mr. Mercier has up to now confined himself almost exclusively to purely poetic works. This is perhaps a mistake. His efforts in verse are often replete with charm, at some times of an exquisite delicacy and at others displaying a virility that is somewhat lacking in polish. His "Rose de Smyrne" is assuredly a very graceful oriental poem. But he is a poet by the trend of his thought rather than by the nature of his delineations. He has the instinct for poetry, but he does not know the magic art of poetic form.

It seems to me that the qualities that predominate in him should naturally have led him into another sphere, one just as elevated, as difficult, often more thorny, above all more useful. Is there a finer career than that of the publicist? The writer in that field becomes an improvisator who speaks to the multitudes. For his thought there are no distances; and this free and sublime manifestation of ideas goes to enlighten the poor man even in his cabin, at the same time that it acts as a check on the men who are in power. Those who make a religion of all that is useful, of all that is humanitarian, can not give too high a place to journalism, which will always remain an infallibly potent agency of propaganda.

It is in that sphere that Mr. Mercier would give the fullest measure of his ability. His superior judgment, his searching mind, his scholarly attainments, his powers of analysis, the

<sup>18</sup> Pierre Jean de Béranger 1780-1857. A celebrated French lyric poet. When he was about 16, he began to write poetry. Several of his lyrics attracted the attention of Lucien Bonaparte who gave him his patronage.



rightness of his views, as well as the integrity of his character, would certainly claim for him a distinguished place, whether he chose to discuss a political question or to develop a literary idea.

He would not easily be led astray by his imagination, which he restrains with extreme care; the *ignes fatui* which appear at times seem kindled only to gild the majesterial severity of his style. His is a talent practically without alloy—all gold and without tinsel; that is to say that we do not find in him, as we often do in others, anything artificial, any literary jargon. He does not display that ostentatious alchemy of phrase which can scarcely be practiced except at the expense of good taste; it is the living water which gushes from the spring and follows its natural course.

If Mr. Mercier does not misunderstand the nature of his talent, if his literary productions are confined to the type that suits him, no one will fail to appreciate his merits. Each of his works will even derive a sort of prestige from his nationality, and seem to be an echo from the forests of Louisiana—an emanation of thoughts from another world, becoming incarnate in the beautiful language of France.

\* \* \* \*

#### XLVIII

G. A. MONTMAIN

(*Courrier*, April 24, 1847)

Translation by R. W. COLOMB

Let me, as soon as possible, repair an act of forgetfulness, for the occurrence of which, I confess my guilt, but cannot account. There were among those persons of whom I spoke with you, some men of wit; and Mr. Montmain was not among them. I told you about songs, refrains, dramas, and literature of all shades, and again Mr. Montmain was not referred to. At last, I spoke with you about puns, of plays upon words, and once more, he was not mentioned! But, this time, I was guilty of too great an act of omission, you yourself must admit that; and I am yet trying to comprehend memory's caprices. I shall not say the thing occurred; but, Mr. Montmain would certainly be justified in upbraiding me with:

Traître! tu me gardais ce coup pour le dernier!  
Traitor! this blow you have withheld until the last.

When one turns a pun in the way that Mr. Montmain does, there is never any offense taken. That axiom reassures me. It requires a brighter flash of wit, and a greater versatility of perception to play the game, than the "profanum vulgus" imagines. Mr. Montmain has done his part most generously; but like a man who knows the value of his change, he does not waste anything, he places in his cupboard everything in the forms of verses, and ballads. I do not know why he keeps his ballads under lock and key; 'tis a bad habit; and just as soon as his friends will suspect it, they will enter his house with trembling.

His songs on the contrary, are known, and greatly enjoyed. So you see, one often gains by proving one's self. Mr. Montmain was for a long time the fashionable poet. While others made merry, he composed ballads; that was his party. It seems, at that period, merry making was so frequent and so complete, that Mr. Montmain's songs are as numerous today, as the descendants of Abraham (Father of the Multitude, and founder of the Jewish race). He has made a collection of them, and given it the title "My Soap Bubbles" (Mes Bulles de savon). This title is a very modest one, but, were I permitted the indiscretion of an instant, I should pluck some charming plays upon words, some joyous bits of timeliness and expediency, some ingeniously fashioned ballads, some graceful allusions.

Mr. Montmain would be at fault were he to relegate these pleasing productions to a corner of his library. There are some which I like less than others, but we may say in this case, that there are enough for every taste. He excels in the song properly so called, whether he says pretty things, or lets slip in a smutty prank; or, that his muse becomes intoxicated with the voices of his friends, or that he becomes enamored of his own image in a glass of good wine. But, just as soon as he pretends to introduce an ode, alas! farewell to the flowing meter, and the seductive graces of a moment ago.

THE END

## THE DIPLOMATIC CAREER OF PIERRE SOULÉ<sup>1</sup>

BY

J. A. REINECKE, JR.<sup>2</sup>

### I

#### Soulé's Appointment and Journey to Madrid

**S**HORTLY after Franklin Pierce became President, Pierre Soulé (a senator from Louisiana at the time) was appointed Minister to Spain. The former, in his inaugural address, had declared that his would be a policy of territorial expansion, and, the month preceding his election, Buchanan had written him strongly advising the acquisition of Cuba,<sup>2</sup> intimating that the "choice of suitable ministers to Spain, Naples, England and France would be exceedingly important if such a step were contemplated."<sup>3</sup> In view of these facts, the appointment of Pierre Soulé seems to leave no doubt as to the intended policy of the administration in regard to Cuba for, as Senator, Soulé had expressed his approval of Cuban annexation.<sup>4</sup> Indeed this sentiment seemed widespread. The slave-holders desired the annexation of the island because they saw in her a potential slave state or several of them; the commercial interests of the whole country shared that hope because our trade with Cuba was ham-

<sup>1</sup> Soulé's biography has never been written nor have his letters and papers been collected. There is a brief sketch of him in Fortier, *Louisiana*, II, 472. This is not Fortier's History of Louisiana, but a work printed by him in 1914 entitled "Louisiana, comprising sketches of Parishes, Towns, Events, Institutions and Persons arranged in Cyclopedic Form."

Soulé is also the subject of a paper in Dufour's *Local Sketches* La. Hist. Qy., 14, 228, April, 1931, translated by Ethel W. Usher, with an annotation by R. W. Colomb, epitomizing the facts of his life.

Further treatment of the incidents of Soulé's diplomatic career will be found in *The American Secretaries of State*, 5, pp. 199-212 in the paper on Marcy, who was then Secretary of State.

See also Greer, *Louisiana Politics, 1845-1861*, La. Hist. Qy., 13, 295-8, April, 1930, and Morgan, *A Duel Between Diplomats*, La. Hist. Qy., 14, 385, July, 1931.

While this paper was prepared in 1914, it is still fresh and should be a welcome addition to our knowledge of Soulé. Mr. Reinecke's paper may be read in connection with the references in the above footnote. When so read, it will be found that this paper is a sound and well documented source for the study of Soulé's remarkable career.—*Ed. Hist. Qy.*

<sup>2</sup> Thesis submitted to the faculty of the Tulane University of Louisiana in partial fulfillment of the requirements for the degree of Master of Arts, 1914.

<sup>3</sup> Rhodes, *Hist. U. S.*, vol. 1, p. 385.

<sup>4</sup> Curtis, *Life of Buchanan*, vol. II, p. 72.

<sup>5</sup> *Ibid.*, p. 73.

<sup>6</sup> Ap. Cong. Globe, 32nd Cong., 2nd and 3rd Sess., p. 118.



pered by medieval customs regulations, and a most obvious ill-will on the part of the provincial officials towards the Anglo-Americans. This attitude was upheld by the Spanish government at home which, encouraged probably by a sense of British support, presented an unconciliatory front to our demands for redress.

It is not hard to discover the reason for this bitter animosity. The yoke of Spain lay heavy upon the shoulders of the Cubans, who in their perennial struggles for freedom, had the hearty sympathy of the citizens of the United States. Some of the more adventurous of the latter under the leadership of such ardent Cuban sympathizers as Lopez and Crittenden, were willing to stake their lives in the battle for Cuban liberty. Thus in August, 1851, an expedition of five hundred men led by Lopez set sail from New Orleans, destined for Cuba. Having landed, they expected the natives to rise en masse against their oppressors. Dissappointed in this, they were defeated and made prisoners. Lopez was garroted at Havana August 16, and a few of his comrades were shot. The others were sentenced to penal servitude but were ultimately pardoned. This action on the part of Spain was the cause of great resentment in the United States.<sup>5</sup>

Though President Taylor, in his proclamation of 1849<sup>6</sup> had denounced these filibustering expeditions in no uncertain terms, warning American participants that however dire their extremities as a result of their interference in Cuban affairs, they might expect no aid from their government, and Fillmore<sup>7</sup> had issued a similar proclamation in 1851, the Spanish and Europeans in general believed, or affected to believe that these expeditions were instigated by the United States Government with the end of acquiring Cuba. The United States, too, had not long before recognized the independence of Spain's rebellious colonies, and, abetted by England, had prevented her from recovering them with the aid of other European nations. The Florida controversy had not tended to ameliorate Spanish-American relations.

These then were some of the causes of a strong animosity, constantly embittered anew by abortive, sternly punished filibustering expeditions, and friction between our merchants engaged in the Cuban trade and the customs officials with whom they came in contact.

<sup>5</sup> House Exec. Doc. No. 2, 32nd Con., 1st Sess., pp. 3-4.

<sup>6</sup> Richardson, *Messages and Papers of the Presidents*, vol. V, p. 7.

<sup>7</sup> *Ibid.*, p. 111.

President Polk, in 1848, had endeavored to settle the matter by purchasing the island, but was met with a proud refusal.<sup>8</sup> Before this the United States had been content that Spain should retain Cuba and Marcy,<sup>9</sup> in 1853, professed the same sentiment, yet political and economic influences, after Polk's offer, seem to have caused the government to desire the annexation, or at least the independence of the Pearl of the Antilles. Thus, in 1852, when France and Great Britain proposed that this country should join with them in a tripartite convention, guaranteeing to Spain the possession of Cuba and disavowing any intention of acquiring the island, the proposition was rejected by Everett, the Secretary of State, who, though disclaiming any present desire on our part of taking over Cuba, intimated that such might be our policy in certain contingencies.<sup>10</sup>

Though there was a strong annexation feeling in the United States for diverse reasons, there were differences of opinion as to the manner of acquisition. Should we seize Cuba if Spain refused to sell or cede the island, or should we, having aided the natives to gain their independence, proceed as in the case of Texas? To some the mere independence of Cuba was acceptable. On the other hand, Spain felt that it would be dishonorable, a shameful surrender, to sell her colony and equally out of the question to grant its independence. Besides there was reason to believe that she was under promise to Great Britain and France not to part with the island.<sup>11</sup> Indeed, it was suggested that a war would not be undesirable to Spain if as a result of it she might part with her "white elephant" in a manner consonant with her sense of honor!

Alarming rumors were abroad throughout the United States and created the greatest alarm, quite naturally in the slave-holding South. Rather than see Cuba pass into the hands of the United States, Spain, abetted by Great Britain, would render such a consummation undesirable by flooding the island with newly imported negroes and freeing the slaves already there. The Africanization of Cuba and the emancipation of her slaves were regarded as a menace to the institution of slavery in this country and to the safety of the ruling race. Lord Palmerston was said to have declared that if the negro population of Cuba were rendered free

<sup>8</sup> House Exec. Doc., No. 121, 32nd Cong., 1st Sess., p. 58.

<sup>9</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., p. 3.

<sup>10</sup> Wharton, *International Law Digest*, vol. I, p. 562.

<sup>11</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 75.

that fact would "create a most powerful element of resistance to any scheme for annexing Cuba to the United States where slavery exists."<sup>12</sup>

Such then was the state of affairs in 1853 when Soulé was appointed Minister to Spain, the chief purpose of his mission being, apparently, the acquisition of Cuba. That Soulé's appointment was met with disapproval abroad is putting it mildly. The new Minister had in open Senate declared that the morality of the actions of the filibusters, Crittenden and Lopez, was worthy of the praise freely accorded to Lafayette and Kosciusko. He was opposed to the plan of purchasing Cuba as offensive to the pride of Spaniards and Cubans alike. Cubans were sure to obtain their independence eventually, and we should sympathize with them, because the independence of the island would be as desirable as annexation. He was opposed to unjust seizure, but, "when the time comes neither the surges of the sea, nor her forts, nor her cannon, nor her garrotes, nor the edicts of her Galianos will save her from our mighty grasp."<sup>13</sup> Such were the sentiments of the new minister. The "London Times" called his appointment an extraordinary choice and believed it would have been no surprise if the Spanish government absolutely refused to hold relations with one who extolled rebellion against Spain, diplomatic precedents being ample to warrant such a course.<sup>14</sup> The Spanish government experienced much annoyance at his appointment, and its organ, in a carefully prepared article, contended that Soulé ought not to be received.<sup>15</sup> Besides, he had reason to believe that his rejection had been urged upon the Spanish court by the French ambassador Turgot, by the mother of the Empress Eugénie, wife of Napoleon III, and by the Austrian and Mexican ministers as well, a flattering and dangerous coalition surely."<sup>16</sup>

As if these public utterances in regard to Cuba had not been enough to mar the success of his delicate mission to a proud, sensitive, and already suspicious nation, Soulé on his way to Europe tactlessly received a deputation of Cuban exiles to whom he made a speech, assuring them that when a man became a minister he did not cease to be an American citizen, and as such he had a right to carry wherever he went the throbbings of that

<sup>12</sup> Ap. Cong. Globe, 2nd and 3rd Sess., 32nd Cong., p. 118.

<sup>13</sup> *Ibid.*

<sup>14</sup> Rhodes, *Hist. U. S.*, Vol. I, pp. 394-395.

<sup>15</sup> *Ibid.*

<sup>16</sup> House Exec. Doc. No. 93, 33rd Cong. 2nd Sess., p. 21.



people that speak out such tremendous truths to the tyrants of the old continent.<sup>17</sup>

In addition to his undesireableness at Madrid because of his utterances on the Cuban question in the United States Senate and elsewhere, Soulé was to be hampered by personal enmities and prejudices. For instance, the very man with whom he must carry on negotiations, the Spanish Secretary of State Calderon was an enemy of long standing with whom Soulé had quarrelled when the former was Spanish Minister at Washington.<sup>18</sup> On his way to his post at Madrid, says J. W. Foster,<sup>19</sup> he incurred the deep-seated hostility of Louis-Napoleon, then very influential in Spanish affairs. He was not permitted to tarry in France, but was required to pass through its territory under surveillance. However, Gaillardet, a close friend of Soulé's, deprecates the notion that Napoleon cherished a grudge against Soulé, and describes such a belief on the latter's part as one of the delusions to which genius is often heir. He explains it as having been caused by the deep prejudice of Soulé against Napoleon, which was embittered by an unhappy interview in which the Emperor displayed a pitiful lack of tact, not occasioned by spite, but by pure lack of ideas.<sup>20</sup>

Though the United States Government could not foresee all the personal entanglements and animosities in which its new minister was soon to be involved, it was at least acquainted with his proud, intractable, and impulsive character, and aware of what would be the probable sentiment in Spain toward an avowed advocate of the ultimate annexation of Cuba by the United States, and an open sympathizer with the revolutionists of that island. Crediting the government with this minimum of knowledge, Soulé's appointment, in view of the strained relations between Spain and this country, was an extremely injudicious one, or if it was duly considered and deliberate the government must have meant to force Spain to sell or cede us Cuba or at least to grant her independence.<sup>21</sup> If we consider the promise of territorial expansion in Pierce's inaugural address, and his advocacy later of armed protest against Spain's action in the Black Warrior affair, we are

<sup>17</sup> Harper's Magazine, October, 1853, p. 692.

<sup>18</sup> Rhodes, Hist. U. S., Vol. II, p. 15.

<sup>19</sup> J. W. Foster, A Century of American Diplomacy, p. 342.

<sup>20</sup> Gaillardet, L'Aristocratie en Amérique, p. 316.

<sup>21</sup> Representative Giddings said in the United States House of Representatives at the time: "It was well understood by all intelligent men that a minister to the court of Madrid was selected for the very purpose of obtaining Cuba by purchase or of involving our nation in a war to open the way for its conquest." Ap. Cong. Globe, 33rd Cong., 2nd Sess., p. 32.

constrained to think that if national sentiment, after Soulé's appointment, had not been divided over the Kansas-Nebraska measure, Pierce and his coterie would have acquired Cuba by conquest. Anti-slavery sentiment prevented this consummation which the President, backed by the slave-holders and Northern commercial interests, would otherwise have brought about. Soulé, the victim of circumstances, of opportunists, perhaps, was sacrificed on the altar of political expediency.

## II

**Reception At Court and Duel With Turgot**

Having thus described the unfavorable circumstances which attended the new Minister's appointment, and journey to his post, let us pass to a consideration of his reception at court and his career thereafter.

Some time before the date set for his presentation at court, Soulé prepared his official address to the Queen, and according to custom sent a draft of it to the Minister of State for his consideration. It was a very pithy speech, containing slightly veiled protests against French and English interference in Spanish-American relations, and deprecating Spanish alarm as to alleged American designs upon Cuba. It also intimated that Soulé would expect the treatment due to his rank as minister of a great nation.

With the plea that the Queen's delicate condition would render the treatment of such weighty matters, in her answer, extremely burdensome, and that certain remarks might be construed as a disparagement of Spain's allies, the Minister of State, who with the rest of the Cabinet had deliberated long upon the subject, very courteously requested Soulé to omit these references to controversial matters. Having, in compliance with this request, completely emasculated his address, Soulé was presented to the Queen, and delivered a speech of ornate banalities to which she responded politely in kind.<sup>1</sup> The queen manifested toward him "marked attention and courtesy," and Field assures us that the most amicable relations obtained between them throughout Soulé's sojourn at Madrid.<sup>2</sup>

The new minister solved the problem which had so agitated Buchanan, by appearing in court attired in richly embroidered black velvet clothes. With a black chapeau under his arm and a black dress sword at his side, the minister, with his black eyes, pale complexion, and raven locks thus strikingly accentuated, resembled rather the Master of Ravenswood than Benjamin Franklin, whose court costume he had adopted.<sup>3</sup>

In his initial letter<sup>4</sup> to Soulé, July 23, 1853, the Secretary of State Marcy declared that nothing would be done to disturb the present connection of Cuba with Spain unless the character of that connection be so changed as to affect our present security. The United States would resist at every hazard the transference

<sup>1</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., pp. 12, 13, 14.

<sup>2</sup> Field, *Memories of Many Men and Some Women*, p. 79.

<sup>3</sup> *Ibid.*, p. 86.

<sup>4</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., p. 3.



of Cuba to any European nation, and regret to see Spain call in the aid of another nation and maintain her rule there. Soulé was instructed to allay the suspicion that the United States desired the annexation of Cuba regardless of Spanish rights, and had or would encourage filibustering by its citizens. Marcy stated that under certain conditions, the United States might be willing to purchase Cuba, but thought that owing to promises made to Great Britain and France, and for other reasons, the separation of Cuba from Spain would be a work of violence. It will be seen that Marcy did not hold long to this judicious opinion, but afterward held tenaciously to the idea that the island might be purchased. The letter further informed Soulé that the President, as things stood, would not authorize him to make any offer to purchase as this would be useless, and probably attended with injurious effects. Information was desired as to any arrangement which might have been made with Great Britain and France for the maintenance of Spain's rule in Cuba, and as to how far they, or either might be advocating a change in the internal conditions of the island, particularly in regard to the slaves, or the present labor system. The desirability to the United States of Cuban independence was emphasized. Such an arrangement would be consonant with Spain's honor, and beneficial to her commercially. At no distant period, Cuba would release herself, or be released anyhow. Soulé was told to favor this view, but to be careful not to arouse suspicion of sinister design on the part of the United States upon Cuba. To bring about Cuban independence, the United States would be willing to contribute something more substantial than their good-will. This something could not be specified until it was more distinctly understood what would be required on their part to secure this consummation. There had been, as yet, no redress by the Spanish Government of injuries to American commerce and citizens, inflicted by Spanish officials in Cuba. Soulé was to remonstrate, and to persuade the home government to grant to the Captain-General of Cuba certain powers of redress in order that complaints might not meet with the delay, and consequent irritation which recourse to distant Madrid involved. To do away with certain legal hindrances to commerce between the two countries, Marcy pointed out the advisability of negotiating a commercial treaty which would redound to the prosperity of both countries and insure mutual good feeling.

On November 10, 1853, Soulé addressed his second letter<sup>a</sup> to Marcy. He represented the Spanish ministry as apt to fall at

<sup>a</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 15.

any moment. However, such an event could not be construed as a calamity for the United States, as the weak and timid minds of these officials unfitted them to carry on properly the important negotiations pending between their country and his. The Secretary of State, Calderon, was ill-inclined to favor any policy which would bring about closer relations with the United States. Therefore he was opposed to the plan for a commercial treaty proposed by Marcy, and to any alteration of the relations between our consul at Havana and the Captain-General of Cuba. A crisis in the government was impending, and all was in confusion. The Cortes was about to meet and none might tell what the morning might bring forth.

It was but seven days after the drawing up of this letter that there occurred the unfortunate duel<sup>6</sup> which rendered more tense an already strained situation. As has been stated Soulé had reason to believe that his reception had been opposed by the French minister Turgot, and by the Countess of Montijo, Empress Eugénie's mother. Turgot, an aristocrat, and a royalist, publicly affected toward Soulé, his plebeian and republican compatriot, a contemptuous attitude, shrugging his shoulders when they chanced to meet and subjecting him to a thousand petty slights. Now Soulé was not the man to brook such treatment long. His sense of honor was most delicate, and his courage impeccable. A thoroughbred man of the world, and a delightful companion, yet his disposition was extremely inflammable. His prejudices and enmities were as deep seated as his sympathies were ardent and generous.

However, he endured this studied insolence with surprising patience until an insulting remark, concerning his wife, made by the Duke of Alva, Napoleon's brother-in-law, at a reception given by Turgot, provided an excellent occasion for settling accounts with the supercilious French ambassador. A fierce but bloodless duel between the minister's son, Neville, and the offending Duke, was succeeded by another between Soulé and the Vicomte de Turgot. As the insult had been proffered in the latter's house, he was held accountable by the fiery Louisianian who believed the slight to have been deliberately planned by Louis-Napoleon,<sup>7</sup> and asserted that rumor had it that the insulting remark had first proceeded

<sup>7</sup> Gaillardet, *L'Aristocratie en Amérique*, p. 32.

<sup>6</sup> *The Attaché at Madrid*, p. 112, ch. XVII.

Field, *Memories of Many Men and Some Women*, p. 80.

Rhodes, *Hist. U. S.*, vol. II, p. 13.

Gaillardet, *L'Aristocratie en Amérique*, p. 32.

from Turgot's lips.<sup>8</sup> Alva, however, had professed entire ignorance of Mrs. Soulé's identity at the time of his unfortunate utterance,<sup>9</sup> and an eye-witness corroborates his statement.<sup>10</sup> Be that as it may, Turgot was forced to fight, and in the meeting which occurred, he was crippled for life.\*

The result of this *rencontre* was to further isolate the American minister and to hamper him if peaceful negotiations were contemplated. An *attache* of the German legation at the time, informs us that after the duel, the Diplomatic Corps, in their anxiety to avoid Soulé, arrived at a certain court function an hour earlier than the appointed time.<sup>11</sup> Soulé, himself, in a letter<sup>12</sup> written six days after the duel, describes his position as exceedingly delicate, not only because of the prejudice against Americans in general, but because of the uneasiness which his presence in Europe, at that juncture, seemed to give the "French autocrat," who being all powerful at Madrid had tried to cut short Soulé's course there through his ambassador Turgot, "a vain and overbearing man of ordinary ability." The Cortes had met and been dissolved by the Queen, who had been displeased with the disposition shown by the Senate to resist the government's anarchial tendencies. The Cabinet wished to resign, but the Queen had refused to permit such action. There was talk of dethroning the present Monarch in favor of the Princess of the Asturias, on the grounds that the child to which the former was about to give birth was illegitimate. Others spoke of expelling the whole dynasty. Confusion, disorder, and anarchy prevailed in every branch of the government.

In the Department of Foreign Affairs, the United States were cordially hated. France and Great Britain had succeeded in making us odious to Spain. Indeed, the influence of these nations was so great that the government never moved in any question concerning foreign affairs without consulting either of them. France had the upper hand, and was as much opposed as England to Cuba's becoming ours, and would be our enemy as long as she remained under the sway of the "man who now holds the rod over her." Our lenity had induced Spain to think the United States less strong than they really were.

\* The *Attache* in Madrid, p. 125.

<sup>8</sup> *Ibid.*, p. 123.

<sup>10</sup> *Ibid.*, p. 121.

<sup>9</sup> Morgan, H. G., *A Duel Between Diplomats*.

<sup>11</sup> The *Attache* in Madrid, p. 142.

<sup>12</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., p. 16.



Pezuela had recently been appointed Captain-General of Cuba. Soulé regarded this choice as evidence of a determination, on the part of Spain, to hasten matters in Cuba to a decisive crisis, for the new governor was violently prejudiced against the "Yankees," and a man of great stubbornness. Though already uniting in his person the authority of Captain-General, and commander of naval forces, he had insisted on being granted full discretion to arrest all Americans, not excepting the consul, if there should occur a second expedition of the Lopez variety. In the event of war between Mexico and the United States, he was granted the authority to aid the former in any way deemed expedient and proper. This latter bit of "information" seems rather extravagant. Spain would hardly have given to the Governor of Cuba the privilege of declaring war, for that is what this supposed *carte blanche* would have amounted to.

As Rhodes remarks<sup>13</sup> very justly if peaceful relations were contemplated, Soulé should have been removed from that country upon the receipt of this letter. It showed just how impossible the situation was. An enemy of the French minister of Foreign Affairs, as has been said, and of the ambassador of the all-powerful French Emperor as well, Soulé was in no position to further the interests of his own country through peaceful means.

From the Spanish Cabinet, our minister met with unabated opposition. Thus, when he again approached Calderon on the subject of granting an extension of power to our consuls at Havana in order that they might negotiate directly with the Captain-General, the Spanish Secretary proved himself inflexibly obdurate. The proposition to facilitate commercial relations by means of a treaty met with the same fate. In turn, our envoy informed Calderon that his government would unbendingly combat any and every arrangement by which Spain, with France, or Spain, with England, or with them both, should attempt to render Cuba in the slightest degree an injury or a danger to us. Though the Spaniard was evidently impressed by this, Soulé was persuaded that during his incumbency nothing could be hoped for by the United States from Spain "by way of negotiations."<sup>14</sup>

Finding the minister adamant, Soulé now sought to advance the interests of his country by cultivating the friendship of the Queen and the Queen-Dowager. After the interview with Calderon, just described, Soulé visited the Queen-mother. This lady

<sup>13</sup> Rhodes, Hist. U. S. vol. II, p. 15.

<sup>14</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., p. 23.

listened to his remarks concerning Spanish-American relations and Cuba with the most flattering attention, displaying a manner of appreciating and considering these matters altogether different from that of the Cabinet and the rest of the governing party generally.<sup>15</sup>

Soulé's next dispatch described a state of chaotic disorder, remarkable even in nineteenth century Spain. The Cabinet was not supported by any political party, but maintained itself by a policy of terrorization. Arbitrary exile and imprisonment were the punishments meted out to citizens by a spiteful and fearful government for petty or imagined offences against itself. The press was gagged, and the Bank of San Fernando was deaf to governmental appeals for loans. Isabella had already wasted her income for the current year, and the usurers of Madrid were obdurate. The price of food had doubled and the poor of the capital were fed at the public charge. Rumor had it that an absolute monarchy was planned. Such pandemonium was favorable to rebellion in Cuba and thus opportune for the United States. Indeed, it seemed unlikely that this event would be deferred later than spring. To be able to take advantage of such an auspicious opportunity, the American minister should be provided with the proper authorization and instructions.

In spite of the prevailing confusion, Soulé succeeded in persuading Calderon to consider certain claims of United States citizens pending in Madrid. These were the results of abuses and injuries of various natures. American vessels had been searched or recklessly fired upon while in Spanish waters, American citizens arbitrarily imprisoned. Laws repealed without proper warning had occasioned serious losses to American merchants. The resulting negotiations were characteristic. The American insisted on indemnity for injury to the commerce of his nation, and reparation for insults to its flag, while Calderon leisurely, suavely, denied the truth of the facts presented, or interpreted them in a manner favorable to his own government.<sup>16</sup> The monotonous exchange of notes, incident to this controversy, might have proceeded indefinitely had not an event supervened besides which all previous matters of dispute was dwarfed, and by reason of which Soulé was enabled to adopt toward Calderon an attitude of re-  
crimination, soothing doubtless to his pride.

<sup>15</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., p. 24.

<sup>16</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong.

Calderon to Soulé, p. 27.

Calderon to Soulé, p. 28.

Soulé to Calderon, p. 29.

## III

**The Black Warrior Affair**

This new controversy<sup>17</sup> was known as the Black Warrior Affair, so-called after an American merchant steamer the Black Warrior about which the storm gathered. This vessel plied between Mobile and New York, and stopped at Havana for passengers and mail only, never discharging or receiving a cargo there though usually bearing one destined for an American port. Contrary to Cuban port regulations, though according to constant and known usage, it was the custom to clear the Black Warrior "in ballast" the day before her arrival. This procedure had been winked at by officials who had never required, heretofore, a detailed manifest of the ship's cargo, though she had made thirty-six voyages under similar conditions. However on the 28th of February, 1854, being bound to New York from Mobile, she was stopped in the harbor of Havana by order of the exchequer for an alleged violation of the port regulations. Having ascertained that the reason for this detention was the failure to declare the cargo destined for New York, the agent offered to rectify the manifest within the time legally provided for. Though he was acting within his rights, the privilege was denied him by the collector.

The agent was now notified that the cargo had been seized, and the captain fined in accordance with the local customs laws. The fine imposed and the value of the cargo seized amounted to six thousand, and one hundred thousand dollars respectively. Appeal, by the American consul to the Captain-General, proved fruitless. The "commandante," accompanied by a force of laborers, proceeded to the vessel with lighters. The captain being ordered to discharge his cargo refused flatly to comply. Thereupon the hatches were forced open by order of the Spanish official, and his men began to remove the cargo from the ship. The captain then immediately lowered his colors and abandoned the Black Warrior to the Spanish authorities.

At the news of this occurrence, there was considerable indignation in official circles at Washington. Marcy's letter to Soulé, written the day after he learned of the incident, seems to have been written under stress of much excitement and anger.<sup>18</sup> A

<sup>17</sup> *Vd. Ibid.*

Marcy to Soulé, p. 30.

Marcy to Soulé, p. 32.

<sup>18</sup> House Exec. Doc. No. 93, 2nd Sess., 32nd Cong., Marcy to Soulé, p. 30.



message<sup>19</sup> was sent by the President to the House of Representatives March 15th, stating that indemnity for injury to American citizens had been demanded of Spain. Pierce urged that Congress should provide in such a manner that if the pending negotiations should fail, he might be in a position "to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag." However, the Northern representatives in Congress as well as their constituents were in general too greatly exercised over the Kansas-Nebraska legislation to be concerned much over such controversies with Spain over Cuban affairs, which might lead to war and annexation, either of which was distasteful to them, the former because they did not consider these matters their quarrel, or at least of a sufficiently grievous nature; the latter because it meant new slave territory.

The agitation was thus confined in general to the slavery interests, whose anger and clamor for war were naturally spurred on by their longing for Cuba and perhaps, too, by a sympathy for the neighboring Cubans. Congress, therefore, though resounding with angry speeches, remained inactive.

On March 11th, Marcy wrote<sup>20</sup> to Soulé, forwarding the news of the Black Warrior seizure. The outrage would, he thought, cause deep indignation throughout the country. It was described as the most flagrant of the numerous unredressed wrongs, perpetrated by Spain upon the United States. Marcy was quite sure that neither the government nor the people of this country would suffer the delay consequent upon a dilatory and protracted negotiation.

By March 17th, the Secretary sent more definite instructions<sup>21</sup> to our minister, the matter having been fully debated by the President and his cabinet, Soulé was told to present the strong features of the case without discussing it, and was directed to demand three hundred thousand dollars as indemnity for the owners of the Black Warrior. The President hoped, too, that Her Catholic Majesty "would visit with her displeasure the Cuban officials who have perpetrated the wrong." "Neither the views of this government," Marcy repeated, "nor the sentiments of the country will brook any evasion or delay on the part of Her Catholic Majesty in a case of such flagrant wrong." Soulé was to get as early a reply as practicable to his demand. A special messen-

<sup>19</sup> *Ibid.*, Marcy to Soulé, p. 32.

<sup>20</sup> *Ibid.*, p. 30.

<sup>21</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 32.

ger was sent with the despatch to Madrid and was to wait a reasonable time for the Spanish government's answer. A very few days, Marcy believed, would be sufficient for that purpose.

Historians, in giving an account of this affair, usually omit the latter part of this document, which seems, at least to some extent, to extenuate Soulé's attitude in the letter of April 11th in which he is usually held to have exceeded his instructions. Note this:—"It is expected that Spain will be prepared when you shall present the demand, to apprise this government of the course she intends to pursue in this matter; and that course will be either a disavowal of the acts of her officials in Cuba, and an immediate tender of satisfaction or the assumption of the responsibility of upholding their conduct." It was to be assumed that Spain was acquainted already with the facts. Prompt redress would be required as evidence of a desire to maintain friendly relations with the United States.

The messenger arrived with this second communication on the 7th of April, three days after Soulé's receipt of the prior one. Our minister immediately sought an interview with Calderon. His request was granted and on the 8th of April, he recounted the history of the incident at length to the Spanish Secretary.<sup>22</sup> This done, he left with Calderon a note<sup>23</sup> in which was intimated the President's hope for prompt indemnification, and for the punishment of the Cuban officials involved. Three days passed, and the Spanish minister was still unheard from. The Spaniards, though rarely in haste, were more pardonable in this instance, as the day following the demand was Sunday, a day of much solemnity the world over. On the next day, began the celebration of Holy Week, during which sacred season, it is not usual to transact business at all in that country. Soulé, however, was confident of the support and warlike purpose of his government and of his compatriots. So he eagerly seized upon the President's intimation that he expected from Spain "an immediate tender of satisfaction," and a disavowal of the act of her officials, silence being regarded as an assumption of responsibility. Such sentiments could not have been inserted in his instructions for naught. He had been instructed to present the strong features of the case. With these congenial injunctions in mind, though he had been directed not to discuss the case, he forwarded a second stronger and more peremptory note on April 11th. Soulé here specified

<sup>22</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 68.

<sup>23</sup> *Ibid.*, Soulé to Calderon, p. 69.

that all officials concerned in the Black Warrior outrage must be removed from Her Majesty's service, and demanded an indemnity of three hundred thousand dollars. Failure to accede to these requisitions would be regarded by the United States as evidence of a disposition on the Spanish government's part to uphold the action of its officials.<sup>24</sup> The Secretary of the Legation who delivered this message, then pointed dramatically to the clock which marked twelve, intimating that in two days at that very hour to the minute a response would be expected.<sup>25</sup>

Such a letter could not be ignored even during Holy Week. Calderon had, or affected to have, already written a reply to Soulé's note of the 8th before receiving that of the 11th. It<sup>26</sup> was now forwarded to the American minister late in the evening of the 11th. The following day, another note<sup>27</sup> was received, in the composition of which the other ministers are thought to have collaborated.<sup>28</sup>

The first of these letters, an answer to Soulé's demands of the 8th, pleaded that more time was necessary before a complete and authentic investigation of the affair in question could be made. In responding<sup>29</sup> to this note, Soulé refused to admit that the Spanish government was still without official data concerning the seizure of the Black Warrior, and reiterated his demands of the 11th.

Calderon's second letter dated the 12th. was received by Soulé in the morning of the 13th. Written, it is said, at the dictation of the Spanish Secretary's colleagues who forced him to sign it, this missive has a heroic ring. Though it promised that the alleged outrage would be duly considered when full information was received, it intimated that it was not within reason to expect a decision when only one party to the dispute had been heard from. It was suggested that Soulé's imperious demands were based on an incomprehensible desire to excite an estrangement, if not a quarrel, between two friendly powers, rather than on an interest in obtaining redress for pretended injuries. The United States Government was to wait until an intelligent and just decision could be reached. Otherwise the opinion of the civilized world would decide whose attitude was just. Furthermore, the

<sup>24</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong. Soulé to Calderon, p. 70.

<sup>25</sup> *Ibid.*, Calderon to Soulé, p. 73.

<sup>26</sup> *Ibid.*, Calderon to Soulé, p. 71.

<sup>27</sup> *Ibid.*, Calderon to Soulé, p. 72.

<sup>28</sup> London Times, April 17th, quoted Rhodes' Hist. U. S. vol. II, p. 20.

<sup>29</sup> House Exec. Doc. No. 93, 33rd Cong. 2nd Sess., p. 172.



government of Her Majesty was jealous, also, of her decorum, and not accustomed to the harsh and imperious manner in which this demand had been made, a manner which was not the most adequate for obtaining the desired amicable settlement.

It is probable that this stinging rebuke was made with a sense of British and French support, and in consequence of a suggestion by the ministers of those nations that Soulé had probably exceeded his instructions in his letter of the 11th.<sup>30</sup> However, it is also asserted that those by whom this note was indited thought that Soulé upon receiving it would ask for his passport.<sup>31</sup> War was seriously considered in Madrid, and it is cited as a singular phenomenon that for once all parties seemed to be as one in the support of the Government's attitude.<sup>32</sup> In the event of war, there was little hope of Cuba's escaping from the clutches of the Americans, but the island would be stoutly defended and when its capture was seen to be inevitable the slaves would be freed to fight the invaders. Privateers licensed by Spain would devastate American commerce.<sup>33</sup>

On the 13th, immediately after having received Calderon's communication of the 12th, Soulé addressed a response,<sup>34</sup> in which he repelled the insinuation that his government was actuated by any other motive than that of seeking justice in making its peremptory demand. Such an innuendo was in very bad taste on the part of a nation whose archives were loaded with reclamations bearing on grievances, most flagrant, which had never been earnestly attended to. He continued, expressing the hope that Her Majesty's government would come to more conciliatory resolves before it was too late. His reply to the repeated plea that there was a lack of authoritative data remained the same. Calderon's answer was regarded as evidence of a determination not to comply with the demands of the United States.

Soulé now addressed to Marcy a despatch,<sup>35</sup> dated April 13th, in which he regretted his failure to obtain a "prompt and satisfactory result to his demands," but trusted that his course would meet with the approval of the government.

<sup>30</sup> Rhodes, *Hist. U. S.*, vol. II, p. 20.

<sup>31</sup> *London Times*, April 20th, quoted Rhodes' *Hist. U. S.*, vol. 2, p. 21.

<sup>32</sup> *The Attaché in Madrid*, p. 262.

<sup>33</sup> Madrid corresp. *London Times*, April 21st, and May 10th.

Clayton's speech in Senate, May 22nd.

Quoted Rhodes, *Hist. U. S.*, vol. II, p. 33.

<sup>34</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 74.

<sup>35</sup> House Exec. Doc. No. 93, 33rd Cong., 2nd Sess., p. 68.

The Spanish government, having adopted so bold an attitude, now felt the necessity of strengthening its position. Therefore, with the idea doubtless of gaining England's support, a decree was proclaimed which declared the government's purpose of putting a definite stop to the slave trade, and of more effectively regulating the slaves in Cuba.<sup>36</sup> A reinforcement of six thousand soldiers was sent to the island.<sup>37</sup> Ancient Spain had thrown down her gauntlet to the young republic of the New World. It remained to be seen whether the latter in retaliation for the endless insults and injuries heaped upon her by Spain would rise in her might, and crushing her weaker though contemptuous antagonist, wrest from her, Cuba, the source of all this controversy; or tenaciously clinging to a policy of peace, would continue her fruitless negotiations for the purchase of the island, and clamor vainly and endlessly for reparation disdainfully denied.

The delays, involved in the transmission of the mails in those days, were such that by the time that Soulé's account of his failure in the Black Warrior matter reached Washington, time and concern over controversies nearer home had weakened the public interest in that quarter. Besides, the Spanish had craftily released the vessel in question, and her cargo as well. She was now granted new and valuable privileges and was already making her accustomed trips as if nothing had happened.

Now, Soulé had left but two courses open to his government. It must either insistently uphold his demands, or openly, or by a silence as eloquent, disavow his action. Confronted with this dilemma, the Cabinet was divided, as was Congress and the country at large. The President wavered between two winds, as it were. His warlike message had been fruitless, there having been no resolution in answer to it. Congress resounded with bellicose speeches but its majority was inclined to peace. A scheme<sup>38</sup> was proposed to the administration by Clingman and a representative from Louisiana, whereby ten millions should be put at the President's disposal with the authority to employ the army and navy, and to raise fifty thousand volunteers. The suggestion, however, was allowed to drop, having met with decided opposition from Pierce, Marcy, and even from Davis.

<sup>36</sup> London Times, April 17th, quoted Rhodes, Hist. U. S., vol. II, p. 22.

<sup>37</sup> London Times, May 10th, quoted Rhodes, Hist. U. S., vol. II, p. 23; also House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 90.

<sup>38</sup> Speeches and writings of T. L. Clingman, pp. 375-376, quoted Rhodes, Hist. U. S., vol. II, p. 23.

In the meantime, the Cabinet remained undecided. Soulé, confidently<sup>39</sup> awaiting orders to ask for his passport, expecting at any moment a declaration of war, was left to bite his nails in a mortifying and vexatious suspense. Davis and Cushing were urging that he be sustained<sup>40</sup> but Pierce, being in doubt, determined to await further news from Madrid. A new Spanish minister was expected at Washington. Some settlement might be reached through him.

The country at large was rather accurately informed, in a general way, as to the real state of affairs, for the American journals copied from the "London Times" whose correspondent at Madrid was kept posted by the British ambassador. This official as the representative of a valuable ally and adviser, was naturally familiar with the main facts of the controversy. It was widely known, therefore, that Soulé had made imperious demands which had been flatly refused. Rumor had it that he had overstepped his instructions.<sup>41</sup>

The American people, of course, aligned themselves in this matter according to their sympathies and interests. Thus the Northern and border states were opposed to sustaining Soulé and there was even a feeling of amusement at his plight. The slaveholding interests, on the hand, more impetuous and hotheaded perhaps, and believing that the time to acquire Cuba was at hand, were as insistent that our minister be upheld. Their desire for the acquisition of Cuba was not a wholly selfish one. The South really sympathized with the disgruntled Cubans whose propaganda was perpetually preached among them by Cuban exiles. They feared moreover that the island might be converted into a second Santo Domingo, and thus, from its nearness, into a constant menace to their peace. It is the tendency of American historians to dub this fear as one instilled by wire-pulling Southern politicians who imposed upon their gullible brethren.

However Palmerston<sup>42</sup> was said to have favored some such scheme, and there was a widespread anxiety on that score. That the administration was not insulated from the common apprehension is to be seen from Marcy's correspondence with Soulé in which there occurs frequent questioning as to contemplated changes in the servile system of Cuba. That an emancipation

<sup>39</sup> Field, *Memories of Many Men*, etc., p. 84.

<sup>40</sup> *New York Times*, May 10th, quoted Rhodes, *Hist. U. S.*, vol. II, p. 24.

<sup>41</sup> Rhodes, *Hist. U. S.*, vol. II, p. 20.

<sup>42</sup> *Ap. Cong. Globe*, 2nd Sess., 32nd Cong., p. 118.



of the slaves and a subsequent transfer of the government to them were intended had been emphatically denied by the Captain-General of Cuba,<sup>43</sup> and the English Foreign Secretary<sup>44</sup> had as strongly repelled the suspicion current in the United States, that his government would abet such a project. Yet the rumor persisted.

The slave holding interests now brought powerful pressure to bear upon Pierce in behalf of Soulé and war, when they learned of his demands and Spain's defiant response.<sup>45</sup> Jefferson Davis,<sup>46</sup> it said, was the leader of this movement, and the journal known as the *Washington Union* was its organ. This newspaper advocated an immediate declaration of war if Spain refused satisfaction for the seizure of the *Black Warrior*.<sup>47</sup> Later<sup>48</sup> it confidently announced that the admission of Cuba was inevitable "in the course of thick-coming events."

On May 20th an impending revolution in Cuba was announced.<sup>49</sup> Quitman,<sup>50</sup> it was rumored had gathered a goodly troop of filibusters for the invasion of the island. At this period the country was divided and wrought up to fever heat over the Kansas-Nebraska legislation. However the bill had passed the House and the slavery party was triumphant. Rumors were current in the North that Cuba was to be acquired reckless of consequence,<sup>51</sup> and that the administration had purposely arranged matters as to make a war with Spain almost inevitable.<sup>52</sup> Things thus for a while seemed very bright for the annexationists. They were however, doomed to disappointment.

Pierce hesitated to adopt a course which would lead to war before the opposition of Marcy, the anticipated attitude of the majority in Congress, and the solid disapproval in the North which viewed with apprehension the growth of the slavery's power as manifested in the recent struggle over the Kansas-

<sup>43</sup> Decree of Capt.-Gen. May 3rd, *New York Times*, May 16th, quoted Rhodes, *Hist. U. S.*, vol. II, p. 25.

<sup>44</sup> Buchanan to Marcy, Nov. 1, 1853, quoted Rhodes, *Hist. U. S.*, vol. 2, p. 25.

Buchanan to Marcy, Nov. 12, 1853, mss. State Dept. Archives.

<sup>45</sup> Buchanan to Marcy, March 17, 1854, mss. State Dept. Archives, quoted Rhodes, *Hist. U. S.*, vol. II, p. 26.

<sup>46</sup> Rhodes, *Hist. U. S.*, vol. II, p. 28.

<sup>47</sup> Rhodes, *Hist. U. S.*, vol. II, p. 28.

<sup>48</sup> *Washington Union*, May 11th, quoted Rhodes *Hist. U. S.*, vol. II, p. 29.

<sup>49</sup> *Ibid.*, (cited by *N. Y. Times*, May 15th), quoted Rhodes *Hist. U. S.*, vol. II, p. 29.

<sup>50</sup> *New York Times*, May 20th, quoted Rhodes, *Hist. U. S.*, vol. II, p. 20.

<sup>51</sup> *N. Y. Tribune*, June 10th, quoted Rhodes, *Hist. U. S.*, vol. II, p. 28.

<sup>52</sup> Address of five N. Y. Representatives, *N. Y. Times*, May 29, quoted Rhodes, *Hist. U. S.*, vol. II, p. 30.

<sup>53</sup> *N. Y. Times*, June 2, quoted Rhodes, *Hist. U. S.*, vol. II, p. 30.

Nebraska bill. By June 1st, the President had assumed a definite attitude. A new proclamation was issued against filibustering. Quitman was arrested and forced to give bond that he would observe the neutrality laws for nine months. The war tide had receded and Soulé, to his intense chagrin, was left stranded high and dry to the infinite glee of his enemies at Madrid and at home.

Rhodes asserts that the Black Warrior controversy would have been a pitiful cause for war, but he forgets, perhaps, that this was only the culminating outrage in a long series of unredressed injuries wrought upon the United States by Spanish officials. Any one of these, almost, might have been a cause of war, involving as they did insult to our flag and rank injustice to our citizens.

At Madrid, Soulé was impatiently awaiting news from his government. It was not until the 18th. of April that Calderon, having placed Soulé's letter before the council of ministers and the Queen, answered it.<sup>53</sup> He incidentally rebuked Soulé for harshness of language, and reiterated the old claim that Her Majesty's government had not yet, but hoped soon to obtain authentic information as to the Black Warrior seizure. However, he had learned that the vessel had been delivered to her captain. This satisfactory termination which removed the main grievance seemed to him to justify Spain's judicious delay in deciding upon a course of action. In response to the charge of dilatoriness in deciding other claims made against it by United States citizens, Calderon retorted that similar relations existed between the United States government and Spanish subjects.

On the 20th, Soulé replied,<sup>54</sup> repeating that the pretense of not having sufficient data at this late day was equivalent to a denial of redress, and that he had represented it as such to his government. The arrangement, made between the Havana authorities and the owners of the Black Warrior, in no way mitigated the insult to the United States. Soulé cited eleven cases in which American vessels had been wantonly fired upon, cargoes unjustly seized, citizens arbitrarily arrested, etc., and all without the slightest reparation. Soulé proved clearly that the sole evidence cited by Calderon in a charge of similar injustice on the part of his government was unfounded.

<sup>53</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 75.

<sup>54</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 77.

Four days after writing this note, Soulé received from Marcy a confidential despatch borne by a special messenger, Colonel Cumner. This letter<sup>55</sup> was dated April 3rd, and had therefore been written before the news of the Black Warrior seizure was received by Soulé. Soulé was thereby given full power to enter into a convention for the purchase of Cuba. He was to make use of this authorization if circumstances were favorable. The manner of conducting this negotiation was left wholly to Soulé's discretion. If direct purchase were impossible, Spain might be induced to consent to the independence of Cuba. To this arrangement the Cubans must be a party. Despotism prevented the association of natives to accept from, or offer terms to Spain. If this strictness were relaxed to permit such association, the United States would readily countenance and aid its efforts to release the island from dependence on Spain.

In response<sup>56</sup> to this Soulé wrote on May 3rd, informing his chief that the difficulties, pending between the two countries, prevented him from approaching any person in authority or with influence in the government's councils, touching so delicate a subject. However, he thought that developments would be such that in the end the very best opportunity would be afforded for bringing the question to a fair test. Turning to the topic nearest his heart, Soulé declared that Spain needed to be taught that there was a limit to our endurance. He urged that she be given "a good lesson" this time. It was because Spain believed that we were not serious in our demands that she had declined coming at once to a definite resolve with reference to the Black Warrior affair.

The slowness of Congress to act upon the President's message of March 15th abetted this belief and emboldened her. Nothing but a display of determination could make her unbend. The government, though it still pleaded that it lacked sufficient data, had yet ample information to blind and pervert the conscience of the Spanish people in regard to the most recent controversy. It was the Cabinet's wish to make it appear that Soulé's action had been disavowed by his government. So in the official journal, the "*Heraldo*," there had been inserted a very garbled account of the whole transaction. The article concluded with the statement that the Committee on Foreign Relations at Washington continued to be mute on the subject of the President's message.

<sup>55</sup> *Ibid.*, p. 86.

<sup>56</sup> House Exec. Doc., No. 93, 2nd Sess., 33rd Cong., p. 82.



To counteract<sup>57</sup> this, Soulé had sought to have printed in a local newspaper the news that Colonel Cumner of the United States Army had just arrived on a secret and special mission, with despatches of the greatest importance for the American minister. Whereupon the censor ordered that this notice be stricken out. Soulé had succeeded however in having published in the same journal the letter of Charles Tyng & Co., consignees of the *Black Warrior*, in which was given an account of the seizure of their vessel. Their version was, of course, represented as interested and therefore unreliable.

Four days after the preceding letter was written, our minister received from Calderon, who had just received the authentic information so long expected, the official Havana version of the controversy.<sup>58</sup> The American claim that an attempt had been made to alter the *Black Warrior's* manifest within the legal period was flatly denied. The revenue court had ordered the seizure of the cargo and that the captain be fined. The consignee, though confessing his error, had pleaded ignorance of the law and had appealed to the Superintendent-General for clemency. The latter ordered the matter to be renewed before the superior court. This tribunal had thereupon recognized the fine and seizure as legal. However, the Superintendent-General kindly reduced the fine proposed from ten thousand to six thousand dollars. Having deposited this sum, the consignee received his vessel. Instead, in the fullness of their hearts, the ministry had granted to the *Black Warrior* certain privileges formerly granted only to the English Royal Mail Company. Furthermore, upon request of the consignee, the Queen had remitted the fine. The property having been returned, there was no reason for the payment of an indemnity. Nor could the United States government claim that insult had been offered her flag, for a merchant vessel is subject to the penalties which the fiscal regulations establish.

The minister now proceeded to pay his respects to Soulé for his peremptory demands, acrid language and offensive doubts as to the sincerity of Her Majesty's government. The President was censured for his unfriendly haste and Pezuela, the Captain-General was not only upheld, but praised.

The Spaniard, having thus apparently carried the day, either in a spirit of complacent condescension, or more probably with the notion that it would not do to impose too greatly on American

<sup>57</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 83.

<sup>58</sup> *Ibid.*, p. 85.

long-suffering, notified Soulé on the same day<sup>59</sup> that all data concerning controversies between the two nations, other than the Black Warrior dispute, had been gathered and an early reply to American claims might be expected.

The Spanish government thus, though yielding somewhat in fact, receded not a jot in principle from the position it had stubbornly held from the beginning. Its concessions were made condescendingly directly to the aggrieved parties, apparently not because of the intercession of the United States, which were thus practically ignored.

In transmitting these despatches on May 10th, to Marcy, Soulé stated<sup>60</sup> that he had contented himself with merely acknowledging their receipt and stating that their contents would be immediately transmitted to his government.

Our minister, being still without official approval or condemnation from his government, began to find his already strained position intolerable. The Spanish government was revelling in its anticipated triumph. Soulé awaited most anxiously the action of Congress. He could not think of retaining a post from whence he would have to behold the contemptuous insolence which his discomfiture and that of his government would be sure to provoke.<sup>61</sup> Again on June 10th<sup>62</sup> in transmitting two of Calderon's notes, he spoke of his longing to be relieved from the "torturing anxiety" under which he had labored for some time past on account of our strained relations with Spain and of the part which it was supposed he had played in bringing matters to a crisis. He had seen frequent intimations in American papers that a discrepancy existed between him and his government. He hardly believed these, but should there be the least foundation for them, he requested Marcy to present his resignation to the President immediately. His, he continued, must be a clear and well defined position for he could not bear to have it clouded with doubts, nor even embarrassed by the slightest hesitation.

This same despatch described the triumphant boasting of the Spanish press and its disparagement of the American government. Accompanying it were, as has been said, two notes from Calderon, in the first<sup>63</sup> of which he fulfilled his promise of answering all of the American claims in the Spanish archives. He described some of these settled, other as still pending owing to the fact that each

<sup>59</sup> House Exec. Doc., No. 93, 2nd Sess., 33rd Cong., p. 90.

<sup>60</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 84.

<sup>61</sup> *Ibid.*, Soulé to Marcy, p. 90.

<sup>62</sup> *Ibid.*, Soulé to Marcy, p. 91.

<sup>63</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 92.

government had its own manner of interpreting international law; others still had been referred to the tribunals of the State with consequent delays. Of eleven cases at issue (almost any one of which would have been considered grounds for instant and stern reprisal by England, for instance,) Spain admitted its liability in only two, not, indeed, as yet providing a just settlement of these, but promising that such action might be taken in the near future.

By June 1st Calderon informed<sup>64</sup> Soulé that one of these two cases had been settled in a manner that must be satisfactory to American notions of justice. This had been a case of flagrant injustice to American merchants. However, Calderon regarded the justice of their claims as doubtful. The favorable decision, therefore, was considered as a kindly concession from Her Majesty. It is to be noted that English subjects, and some of those of the Low Countries as well, were involved also. In acknowledging<sup>65</sup> the receipt of the Spanish minister's announcement, Soulé could not help pointing out that it was fortunate for the Americans involved that there had been Englishmen and Hollanders interested in the same matter which fact had caused the present enlightened resolution of Calderon after a delay of nine years. He was sure that his government would appreciate this evidence of friendship.

On June 16th<sup>66</sup> it was announced to Soulé that Her Majesty had been pleased to command that Anglo-American vessels be considered in the peninsula and adjacent islands as national ones, as regarded the duties of the port and navigation, in reciprocity for what was practiced with the Spanish vessels from the same places in the United States. Thus was the second of these controversies arranged. In transmitting this news,<sup>67</sup> Soulé deplored the fact that he had not as yet received the slightest intimation as to how his course in the Black Warrior matter was regarded by the Cabinet. The news brought by the trans-Atlantic mails was not encouraging, and rendered his position so painful and delicate that he could not think of holding on to it much longer. The impression at Madrid was that there was discord between the minister and his government and that the latter to get out of its difficulty with Spain would disavow his acts. The hesitancy of Congress to follow the policy outlined by the President in his message had injured our reputation for character.

<sup>64</sup> *Ibid.*, p. 103.

<sup>65</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 104.

<sup>66</sup> *Ibid.*, p. 105.

<sup>67</sup> *Ibid.*, Soulé to Marcy, p. 105.



Keenly conscious of his anomalous position, Soulé wrote<sup>68</sup> again with some bitterness to inform Marcy of the impression produced in Madrid by the President's proclamation against filibusters, and by the announced departure from the United States of commissioners instructed to reconcile and adjust the differences existing between Spain and his government. The first was considered as an hypocritical manner of masking nefarious designs upon Cuba; the latter, said Soulé, is viewed as an act of condescension to this country (Spain) exemplifying what power a grovelling diplomacy may still obtain even with those whose pride it is to hold it most in contempt. The exultant opinion at Madrid was that Soulé would be sacrificed to the vindictive exigencies of a haughty camarilla for having offended its pride while acting by the express orders and under the commission of his government.

At length, Soulé received from Washington two despatches. The first,<sup>69</sup> dated June 22nd, was a lengthy reply to Calderon's response to the Black Warrior claims. Marcy stated therein that the matter, as far as pecuniary indemnity was concerned, had been altered by the release of the vessel, but the wrong and insult to the nation remained. The whole case was reviewed in all its phases. The Cuban officials' conduct was regarded as illegal, arbitrary and insulting to the United States. Spain was duly censured for having upheld them. The President regarded Calderon's answer as highly unsatisfactory, but was unwilling to resort to any extreme measures until a solemn appeal to Spain had been made in order to adjust all questions at issue, and to provide for peaceful relations in the future. Soulé, therefore, was not expected at present to take any further steps in the Black Warrior controversy.

The other letter<sup>70</sup> which accompanied this despatch was confidential. The plan of making a final and solemn appeal was outlined at greater length. The President proposed to associate with Soulé "two other of our most distinguished citizens" in the execution of this unusual mission. The despatch held a line of solace for our chagrined minister. In it the President was represented as being satisfied with the spirited manner in which Soulé had performed the duties of his mission. Though denied the privilege of discussing the Black Warrior matter, he was at liberty to read the first document to the Spanish minister.

<sup>68</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 107.

<sup>69</sup> *Ibid.*, Marcy to Soulé, p. 108.

<sup>70</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 117.

## IV

**Beating Time During Local Disturbances in Spain**

Before these documents reached Madrid, important events had followed each other in quick succession. A revolution had taken place during which Soulé had chivalrously offered his Legation as an asylum to the hated queen-mother Christina.<sup>71</sup> Calderon and his colleagues had resigned on the 16th of July and fled.<sup>72</sup> Another ministry had fallen and the present Minister of State was Señor Pacheco. On the 2nd of August, it was announced that Pezuela, the Captain-General of Cuba,<sup>73</sup> under whose administration the Black Warrior outrage was perpetrated, had been dismissed and de la Concha appointed to succeed him. In effecting this change, the government had taken occasion to praise the retiring official for his zeal and loyalty. Soulé thought that the Spanish ministry had by this action deliberately burned their bridges behind them, for now, however strongly the American government might protest, Soulé's demand for the removal of all the officials involved in the recent controversy could not be complied with. Having called Pacheco's attention to this, he was most solemnly assured that the dismissal was in no way connected with the assumption of an uncompromising attitude toward the United States.<sup>74</sup>

At about the same time that the change in ministry took place, Soulé's failing health compelled him to seek rest in the Pyrenees. Therefore, having taken leave of the Queen, accompanied by his secretary, H. J. Perry, he called upon the new Minister of State. There ensued between Soulé and Pacheco a conversation<sup>75</sup> which was taken down in writing by Perry, and transmitted to Washington. Our minister took occasion to reiterate his former statement that the United States government was far from satisfied with Calderon's reply in reference to the Black Warrior's seizure. Indeed, the Spanish government's course was looked upon as an aggravation of the original cause of complaint. Soulé also expressed the belief that his government would regard Spain's action in removing Pezuela as deplorable. It will be remembered that Marcy, under date of June 22nd, had sent Soulé a masterly refutation of Spain's position in the Black Warrior matter, with the

<sup>71</sup> Field, *Memories of Many Men*, etc., p. 91.

<sup>72</sup> *The Attaché in Madrid*, p. 309.

<sup>73</sup> *The Attaché in Madrid*, p. 345.

<sup>74</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., Soulé to Marcy, p. 118.

<sup>75</sup> *Ibid.*, p. 120.

permission that he might read it to the Spanish minister or give him a copy.<sup>76</sup> However, though Pacheco insistently begged for such a presentation of the American viewpoint, Soulé thought that mere empty protestations to give his (Pacheco's) government's actions a color of fairness would be the result<sup>77</sup> and that if this affair were kept pending it might be used as a lever in negotiating for the purchase of Cuba.<sup>78</sup> Therefore he contented himself with expressing to Pacheco in broad terms the administration's attitude.

When the news of the Spanish revolution, just referred to, was learned in the United States, the hopes of the annexationists flared up anew. The Washington "Union" urged that a few millions of money be placed in the hands of the executive for use during the recess in the Spanish-Cuban relations.<sup>79</sup> The President sent a special message to the Senate intimating that such action would be in harmony with his own sentiments. The Senate Committee on Foreign Relations however, because of the shortness of the coming recess, refused to recommend any provisional legislation.<sup>80</sup> In spite of this failure, the administration still cherished the hope that Cuba might be acquired by purchase, as may be seen by Marcy's letter of August 11th.

By August 16th, the government at Washington had abandoned its idea of sending an extraordinary commission to Spain. Marcy took occasion, in transmitting this news by Colonel Sickles, to deprecate the notion that the abandoned plan might have warranted the inference that Soulé had not faithfully and ably done his duty and given satisfaction to his government. Indeed, he was to have been placed at the head of the proposed commission if there had been any gradation at all. Marcy announced that the President's effort to have our executive clothed with additional power in reference to our Spanish relations had failed, but his views as to Cuba remained unchanged. In this as in other matters the adoption of a proper course was left to Soulé's discretion. The Secretary thought that the change in ministry would be beneficial to the United States as the new Secretary of Foreign Affairs would be unhampered by personal considerations in a further discussion of the Black Warrior incident. However since

<sup>76</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., Marcy to Soulé, p. 118.

<sup>77</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., Soulé to Marcy, p. 120.

<sup>78</sup> *Ibid.*, Soulé to Marcy, p. 133.

<sup>79</sup> Wash. Union, July 30 (cited by N. Y. Times) quoted Rhodes' Hist., U. S. vol. II, p. 37.

<sup>80</sup> Rhodes, Hist. U. S., vol. II, p. 38.



Spanish affairs were in such a transitory state, it would not be well to press any demands upon it.<sup>81</sup>

Thus the Black Warrior controversy, which might have precipitated a bloody war, was allowed to sink into obscurity. It ceased to be a vital issue. Before the advent of this dispute, Soulé had been very confident that he would succeed in his effort to negotiate for the purchase of Cuba. He felt convinced that he had brought the influential ex-queen Christina to his views.<sup>82</sup> He once confided to Field his belief that with five hundred thousand dollars of secret service money for loans to indigent members of the Constituent Cortes the great consummation could be brought about. Thereafter, however, his enthusiasm for purchasing Cuba waned.

The government's action in this matter disappointed him. He expressed himself as greatly aggrieved because Marcy had not backed his imperious demands, although that official had prescribed them.<sup>83</sup> At this point, it is well to consider just how true was this claim of Soulé's, just mentioned. Did Marcy's instructions justify Soulé's action in the Black Warrior affair? Most historians answer this in the negative. It is regarded as a great blunder, an audacious assumption of unwarranted authority. Let us look into the matter. The whole question hinges on Marcy's letter of March 17, 1854, instructing Soulé to demand indemnity and reparation for the seizure of the ill-fated vessel in question. Our minister was clearly told therein to assume that Spain was already prepared to answer his demands. Marcy insisted, too, upon haste, nay that an immediate tender of satisfaction and a complete disavowal of her officials' action be made. A very few days would be sufficient; a reply was expected as early as practicable. Now what do these expressions imply? What are a very few days? Furthermore, Spain was not to be permitted to practice her usual evasion. Her answer must be either a proffer of satisfaction or an assumption of responsibility for the acts of her officials. Such was the dilemma proposed in the Secretary's letter. However Soulé was to present the strong features of the case only. He must not discuss it. Soulé waited three days for an answer after making his first and milder demand, then he presented to Calderon the alternative prescribed by his chief, only, besides making the claim for indemnity, he demanded that the officials

<sup>81</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., Marcy to Soulé, p. 117.

<sup>82</sup> Field, *Memories of Many Men*, etc., p. 82.

<sup>83</sup> *Ibid.*, p. 96.

concerned be dismissed (the usual manner of expressing the disavowal expected by the United States government). Also he insisted that these demands be complied with in forty-eight hours. Are five days not a "very few days?" It may be said that to forestall a rupture Soulé was not expected to discuss the case, then why these recommendations for haste, why these bellicose threats? Can it be that Marcy was willing that the fiery Soulé, interpreting ambiguous instructions according to his own bent, should make war-like demands which, if unsuccessful, might be repudiated? Soulé, himself, constantly asserted that he had but obeyed orders, and Marcy never contradicted this, nay praised him in the President's name for his splendid conduct and expressed Pierce's entire satisfaction with his procedure. Of course, it must be remembered here that Soulé was a figure in national politics who might not be wantonly offended. Hence the praise, perhaps. However, we are persuaded from sentiments expressed by Marcy that the government would have been perfectly satisfied if the demands made had succeeded. If such had been the case, Soulé would have been hailed as a hero. Having failed, he was allowed to seem a pitiful blusterer, the perpetrator of a gigantic "American bluff," a role which Marcy had, perhaps, intended that he should play.<sup>84</sup>

<sup>84</sup> The other view of the problem is stated by Webster:

"A great part of the difficulties with which Marcy had to contend, and which put a strain on his great faculties, came from the insubordination of Soulé as a diplomatic agent. He was graceful, eloquent, charming and persuasive, but he failed as a diplomatist because he had a plan and policy of his own, and did not accept the relation to his chief which a diplomatist should occupy. Prince Bismarck summed the matter up when he said: 'My ambassadors must wheel about at command like non-commissioned officers, and without knowing why.' Had Soulé given his faculties to the study of the wishes, ideas and instructions of his chief, and had he subordinated his own views to these, his mission might have been a brilliant success, instead of a lamentable failure. A diplomatic agent is not the colleague, but the servant of his chief; but having been a senator and once a controlling man in affairs at home, Soulé could not consent to be a subordinate even of a chief so wise and great as Marcy."—Sidney Webster, *Marcy and the Cuban Question*, Pol. Sci. Qy., 8, pp. 1-32, March, 1893.

## V

**The Ostend Manifesto**

We have already seen how the administration abandoned its project of sending to Madrid an extraordinary commission to settle all controversies pending between Spain and the United States, and to assure peace for the future. No reason was assigned for the action, but the plan was succeeded by another of greater originality. Marcy was still anxious to purchase Cuba. The President had virtually promised to do this and the South was insistent. It was still thought that Spain might be persuaded to part with the island if a sufficiently large sum were offered and England and France should give their consent. Thinking therefore that "much might be done at London and Paris to promote directly the great object in view, or at least to clear away impediments to its successful consummation," Marcy broached to Soulé a plan of action unprecedented in the annals of American diplomacy. "Under the circumstances" it seemed desirable that there should be a full and free interchange of views between Soulé and his colleagues of France and Great Britain in order that they might reach an agreement in reference to the general object. It was therefore suggested that they meet as soon as possible at some convenient point to consult together and compare opinions as to what might be advisable, and to adopt measures for perfect concert of action in aid of the negotiations of the Minister at Madrid. If this proposition were agreeable to Soulé, he was to communicate with his colleagues to decide upon the place and date of their meeting. After the conference had been held, the participants were expected to impart to their governments whatever opinion or plan of action they might have agreed upon.<sup>1</sup>

When this despatch reached Soulé, he was still recuperating in the Pyrenees. He immediately set out for Paris. Arriving there on the 20th of September, he communicated with his colleagues. Upwards of twelve days now elapsed before they agreed upon a place of meeting, but Ostend, in Belgium, was at last fixed upon. There, the three Ministers, Soulé, Buchanan and Mason met on the 9th of October and went into session during three consecutive days. They then adjourned to Aix la Chapelle, where Soulé remained with his colleagues from the 12th to the 18th inclusive,

---

<sup>1</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 124.



preparing notes for the despatch which was to be forwarded to Washington.

In transmitting an account of his preliminary procedure to Marcy, Soulé took occasion to remark meaningfully that it was of infinite satisfaction to himself, and would be surely to Marcy that the most cordial harmony had marked the progress of their labors and that there would not be a single opinion expressed by the conference which did not convey the unanimous sentiment of all the conferrers.<sup>2</sup> On October 18th, the ministers having compiled the results of their deliberations in a formal despatch, signed the document and forwarded it to Marcy.

On them during this period was turned the calcium light of publicity. European governments watched them anxiously and the press of the United States waxed curious and suspicious. Abroad the wildest rumors were circulated. Soulé was reported to be in league with the Red Republicans<sup>3</sup> and to have expressed, on one occasion, a wish for the invention of a steam guillotine which might sweep off all the royal heads of Europe at a single blow.<sup>4</sup> Nothing definite was known as to the origin nor even as to the precise nature and object of the meeting until March 15th, 1855, (more than four months later) when the document in question with the diplomatic correspondence which preceded it were transmitted to the House by Pierce in compliance with a resolution enacted by that body. However, it was generally suspected previously that the Conference had to do with territorial expansion and particularly with Cuba.<sup>5</sup>

The document, itself,<sup>6</sup> afterwards known as the Ostend Manifesto, was truly remarkable.

There had been a full and unreserved interchange of views and sentiments, since the ministers began, which had resulted in a cordial coincidence of opinion on the grave and important subjects submitted for their consideration. An immediate and earnest effort should be made to purchase Cuba at any price, not exceeding a certain maximum.<sup>7</sup> The proposal should be made to the Supreme Constituent Cortes about to assemble at Madrid. Our proceedings should be open, frank, and public. Spain's vital interests, as well as the United States', were involved in the pur-

<sup>2</sup> *Ibid.*, p. 125.

<sup>3</sup> *vd.* Curtis, *Life of Buchanan*, vol. II, p. 136.

<sup>4</sup> Gaillardet, *L'Aristocratie en Amérique*, p. 319.

<sup>5</sup> *vd.* discussion in the House of Representatives, 2nd Sess., 33rd Cong., vol. 30, p. 9.

<sup>6</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 127.

<sup>7</sup> \$120,000,000.

chase of the island, and such being the case, the ministers did not anticipate failure unless foreign powers should intervene. A detailed account was then given of why the sale should prove as beneficial to both countries as its delay would be dangerous and unprofitable. Having set forth this view of the situation as strongly as possible, the document proceeded to a consideration of what should be done by the United States in case of a refusal. Our past history forbade that we should acquire Cuba without the consent of Spain unless justified by the preeminent law of self-preservation. Hence, after we should have offered Spain a price far in excess of the present value of the island, it would then be time to consider whether Cuba in the possession of Spain seriously endangered our internal peace, and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we should be justified in wresting it from Spain. The report continued, "We forbear to enter into the question whether the present condition of the island would justify such a measure," but note what precedes this expression: "Indeed the Union can never enjoy repose, nor possess reliable security as long as Cuba is not embraced within its boundaries," and ["Its immediate acquisition by our Government is of paramount importance,"] and again, "Considerations exist which render delay in the acquisition of the island exceedingly dangerous to the United States." Furthermore, "The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection at every moment which may result in direful consequences to the American People. Cuba has thus become to us an increasing danger and a permanent cause of anxiety and alarm." Therefore the answer is obvious. It was not necessary to further "enter into the question whether the present condition would justify" seizure of Cuba if Spain refused to sell it. It had practically been answered already in the affirmative. [Cuba must be purchased or seized.] We should be recreant to our duty, unworthy of our gallant forefathers and commit base treason against our posterity should we permit Cuba to be Africanized and become a second Santo Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our nation. Our ministers though "refraining" from entering into the question thought that the course and current of

events were rapidly tending towards such a catastrophe. The Black Warrior affair was pointed to as evidence of the dangerous possibilities of the present arrangement. [It was the firm belief of the ministers that the cession of Cuba to the United States with stipulations as beneficial to Spain as those suggested was the only effective way of settling all past differences and securing peace for the future.]

The Ostend document is somewhat ambiguous if read without a certain scrutiny. The sentiment quoted in the final sentence of the preceding paragraph seems to indicate a disposition on the part of the conferers to favor strongly, nay exclusively, a peaceful cession by purchase. But, as has been pointed out, the general conclusion drawn from the other propositions set forth is that the failure of peaceful persuasion must be followed by war. If the interpretation which has been indicated be accepted, the meaning seems plain. Spain must sell us Cuba or yield to our superior might because our safety was endangered by her possession of the island. Soulé, himself, seems to have feared lest the joint despatch be misinterpreted. Therefore on the 20th of October, he sent to Marcy, on his own account, a sort of key to the somewhat enigmatic report.<sup>8</sup> Therein Soulé expressed a doubt as to whether the language of the Manifesto would be found explicit enough, but trusted that it would be sufficiently free from ambiguity as to leave no doubt as to its real meaning. Cuba, he continued, must be ours and the matter must be put to the test immediately. Present indications seemed to encourage the hope that we might achieve our goal peacefully, but, if we must have recourse to arms, then this was the auspicious moment. The greater powers of Europe were engaged in a stupendous struggle. Neither England nor France would be likely to interfere with us.

This second despatch seems to indicate just who was the leading spirit in the composition of the other. Field, an attache of the French legation at the time, tells us that his impression was that [Soulé had drawn up the document and that Buchanan had revised it.]<sup>9</sup> It is probable that in urging his two colleagues to subscribe to such radical proposals [Soulé must have used the presidential ambition of both the men as a lever.] Buchanan indeed was already convinced that the distinction of having brought about the acquisition of Cuba would be a great asset to

<sup>8</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 126.

<sup>9</sup> Field, *Memories of Many Men and Some Women*, p. 98.



an aspirant for the Presidency. Mason was an ardent slavery-man and thus would be even more easily persuaded to assent to the sentiments of the document in question. Both were besides probably soothed and lulled by its tortuous, guarded language, and persuaded by the winning, magnetic eloquence of Soulé. Indeed such seems surely to have been the case with Mason, at least, for he afterwards warned Field against Soulé's wiles. He called the latter a "perfect bird-charmer" and feared he would "absorb" Field. He was not displeased at Marcy's rejection of the principles set forth in the Manifesto, and upon learning of Soulé's explanatory letter of the 20th, he was exceedingly perturbed. An attack of apoplexy followed which eventually resulted in his death. Soulé, himself, later having first expressed the opinion that advocacy of the annexation of Cuba would be indispensable to an aspirant for nomination as presidential candidate by the next Democratic convention, ironically remarked to Field that it would never do for Buchanan and Mason to disavow the sentiments expressed in the Ostend Manifesto, for then it would be supposed that he "had twisted them around his finger."<sup>10</sup>

Having thus succeeded in having his own sentiments subscribed to by such influential and representative citizens, Soulé awaited Marcy's reply with much hope for the final success of his designs. The latter's answer came to him as a thunderbolt from a blue sky. After having had it read to him by Field, he said, "Marcy could never have given utterance to such views. I am overwhelmed." Having perused it carefully, our minister exclaimed, "My amazement is without limit. I am stunned. Of one thing only I am certain, and that is that this is the irresponsible work of Mr. Marcy. The President can neither have inspired or sanctioned it." He also expressed himself as aggrieved at Marcy for not having supported him in the Black Warrior matter, although the secretary had prescribed the course of action which he had adopted. Indeed he was so disgruntled at this latest rebuff that he wished to leave the legation at once in Field's charge while he journeyed to Washington in quest of a personal explanation of Marcy's reply. Field however refused to assent to this request.<sup>11</sup>

The letter<sup>12</sup> which surprised and dismayed our minister so was nothing more or less than an utter repudiation of the alternative

<sup>10</sup> Field, *Memories of Many Men and Some Women*, p. 98.

<sup>11</sup> Field, *Memories of Many Men and Some Women*, p. 97.

<sup>12</sup> House Executive Doc. No. 93, 2nd Sess., 33rd Cong., p. 134.

proposed by the Ostend conference, and an injunction to continue negotiations for the purchase of the island if the Spaniards in power were well disposed.] Soulé was to continue protesting against Spain's monotonous refusal to grant us satisfaction for the insults she had heaped upon our nation. Marcy pretended to believe that the conference had not intended to coerce Spain into a cession of Cuba if purchase were impossible, and cited in support of his ironic interpretation the expressions: "If Spain should refuse these propositions of the United States, then the question will arise, 'What ought to be the course of the American Government under the circumstances'," and then, "After we shall have offered Spain a price for Cuba far beyond its present value and it should have been refused, it will then be time to consider the question, 'Does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union?'" The President, Marcy continued, concurred in this view. [To argue that seizure should follow a refusal to sell would imply that it was necessitated by self-preservation, and that Spain had refused reparation for past offences and security for the future. He then proceeded to show that failure to acquire Cuba would not imperil the existence of our government, and that Spain's attitude towards our demands for redress was more favorable than in the past. [However, if Spain's possession of Cuba ever threatened the safety of the Union, the crisis would be met, no doubt, by the deliberate and decisive action of the American people. Persistence by Spain in an attitude of defiance towards American demands for redress would likewise result in the employment of force.]

In the same despatch, Marcy took issue with Soulé as he had in his letter of the 27th, [for not having presented to the Spanish Minister his carefully drawn-up protest against Spain's procedure in the matter of the Black Warrior.] The Secretary of State further stated that the honorable removal of officers concerned in the seizure of that vessel would not be considered a hindrance to the settlement of the dispute in view of the official statement of the Minister of Foreign Affairs that these officials had not been removed for the purpose of evading our demands for redress. These might be punished in another way while those remaining in the service of the Spanish Government should be dismissed. Should Spain thus disavow their action and offer full indemnity for the loss and injuries suffered by American citizens in the

previously mentioned affair, the United States would accept such reparation. Other cases requiring redress were to be pressed. The Spanish had proposed that all disputes pending between their country and the United States be settled by a mixed commission. Soulé was instructed to reject this proposition because some of the claims involved were of such a nature that their arbitrament was not consistent with national honor. Marcy concluded with the old demand that the Captain-General of Cuba be empowered to communicate directly with the United States government in the matter of redressing wrongs suffered by American citizens at the hands of Cuban officials. The effect of this despatch was to put Soulé practically in the same position he occupied immediately after the Black Warrior fiasco. He was no further advanced. [He who had hoped to pose in Madrid as an avenging angel, clothed in the power and majesty of the American Republic, found his most cherished proposals rejected and himself compelled to swallow what was very near a rebuke. It was intolerable for a man of his temper. The dissatisfaction was too great. He must leave the hateful Spanish capital, the scene of so many bitter mortifications.] Failing to induce Field to take temporary charge of his legation while he investigated Washington's inexplicable attitude in person, Soulé, who distrusted his own secretary too thoroughly to intrust the legation to him, determined to resign.] Therefore on December 17th, he sent Marcy his formal resignation.<sup>13</sup> In so doing, Soulé wrote: "Your despatch of the 13th leaving me no alternative but that of continuing here in languid impotence or surrendering the trust which, with the difficulties thrown in the way of its execution, I should strive in vain to discharge either to the satisfaction of the government or to my own credit, you will not be surprised at the course which a sense of dignity has compelled me to adopt." In view of all this he begged to be relieved by the end of January.

The charge as to "languid impotence" was not quite correct. He had been told to press American claims for reparation, and Marcy had promised that force would be used if Spain proved obdurate, but for him the acquisition of Cuba was the central, nay the sole object of his mission. He had learned that its purchase was out of the question. [His proposition to adopt stronger means upon which he had based his dearest hopes had been scathingly rejected.] Therefore he lost all interest in his nerve-racking

<sup>13</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 140.



post, believing rightly that he might do more to accomplish his dream by pulling wires in Washington.]

December 23rd, Soulé was able to state with malicious delight in a despatch<sup>14</sup> to Marcy that the Minister of Foreign Affairs had in the Cortes "with an emphasis full of significancy repelled the suspicion that the government might be disposed to part with it (Cuba), by declaring that, in its judgment to part with Cuba would be to part with the national honor." "The declaration," Soulé continued, "was covered with the frantic applause of the assistance in the galleries, and received the spontaneous and undivided sanction of the house."

"Thus was disposed of", concluded Soulé, "in a single session of that grave body, the Cortes, what of hope the United States might still retain of bringing their difficulties with this country to a peaceable and friendly adjustment through the cession to them of that island."

By January 13th, Soulé was getting impatient to be off. He reported<sup>15</sup> to Marcy that the present rulers showed no more inclination to attend to our just demands than their predecessors. "Their compunction" had not been awakened "by the scorching arguments" which our minister had been instructed to place in their hands nor had they been moved by the significant suggestions of the President's message. They disregarded both and did not even disturb themselves to resort to the usual "soft words and empty protestations." Soulé longed to be off from a court where "so little respect is paid to our country and where the opinion entertained of our weakness is a constant encouragement to offer us fresh and indigestible disgusts."

Though Soulé spoke with such confidence regarding the intractability of the Spanish Minister, he admitted that since the day when he had left that official a copy of Marcy's protest, he had not received a word from him concerning the attitude of Her Majesty's government toward the United States. Our envoy declared<sup>16</sup> his intention not to leave his post until he had learned in a free conference with the Spanish Minister just what was to be expected for the future.

On the 13th of January, Soulé having been summoned by the Spanish Minister of Foreign Affairs, had an interview with the latter at which he brought matters to a crisis. He took occasion

<sup>14</sup> *Ibid.*, p. 141.

<sup>15</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 141.

<sup>16</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 142.

to speak of the delicate relations prevailing between their respective countries and of the dangerous situation which might develop if the pending difficulties were not speedily remedied. The Spanish official assured him of the good disposition of his government toward the United States, and pointed out to Soulé that Spain had done all that could be expected of her by offering to submit all controversies to a mixed arbitration commission. Our minister reiterated that such a proposition could not be acceptable because most of the matters at issue did not involve disputable facts or principles of doubtful import. He cited, in testimony of the United States' anxiety to remove all causes for future disagreements, their desires to have Spain empower the Captain-General of Cuba with certain latitude in dealing directly with the United States Government thus avoiding the bitterness caused by protracted negotiations with distant Spain. He referred also to his government's ineffectual efforts to persuade Her Majesty's to join it in an attempt to give efficacy to the enforcement of the 22nd article of the treaty of 1795 whereby the two countries had agreed to give their mutual commerce all the extension and favor which the advantage of both nations might require. He declared further that it was time that his government should know definitely what were Spain's intentions. He adverted to his powerlessness in the face of Spanish prejudice which had paralyzed his movements. In view of all this, he averred that, if within the ensuing fortnight he had not received such intimations as might warrant the hope of a speedy change in Spain's attitude, he would return home in order to make a personal report to the President.<sup>17</sup>

Let us note in passing that this interview was held on the 13th of January, and that Soulé had already on the 17th of December sent in his resignation and asked to be relieved by the end of January. His ultimatum to the Spanish Minister was therefore merely a ruse whereby he might have obtained something, but which, at any rate, permitted him to retire with some show of dignity. However the Spanish official was not to be intimidated. Perhaps he had inside information. Be that as it may, by January 28th he had not communicated a single line to Soulé, consequently the latter, the specified fortnight having expired, indited a note<sup>18</sup> to the Minister of Foreign Affairs in which he rehearsed his interview of the 13th, and, in accordance with his threat asked for

<sup>17</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 142.

<sup>18</sup> *Ibid.*, p. 144.

his passport. He desired also that an hour be appointed at which he might pay his last respects to the Queen.

In replying<sup>19</sup> to this note, the Minister maintained his former attitude, explaining that in all Spain's acts, held reprehensible by the United States, she had adhered to a course of rigid justice. || She did not consider that the honor of the United States had been jeopardized. For these reasons, and because all these disputes hinged on a difference in the interpretation of international law, he insisted that Spain's suggestion of resorting to an arbitration tribunal was very reasonable. || He rejected the proposition regarding the Captain-General because such action would be an illegal delegation of the sovereign power belonging to the Supreme Government of the State. As to the commercial convention, Spain did not refuse to carry out the 22nd article, but reserved the right to apply it in accord with her own mercantile interests. The Minister further stated that he had no other communications to make to the United States. However as it might be inferred from Soulé's note that he was leaving because of not receiving any communication during the specified fortnight, to avoid all misunderstandings, he had written this response. In compliance with Soulé's request, he appointed the hour and the day for his final audience with the Queen and enclosed his passport. There was nothing else for Soulé to do, but to leave. || Consequently, at half past eight o'clock of February 1st, he took leave of Her Majesty and left in the evening of the following day for Washington,<sup>20</sup> closing thus an episode unparalleled in the annals of American diplomacy.

The Ostend meeting, engineered as it was with so much parade and flourish of trumpets,<sup>21</sup> was, as has been previously pointed out, the occasion for great excitement here and abroad. In Europe it competed with the Crimean war news in commanding public attention. Many articles were written in the journals of various countries strongly condemning the conference, and denouncing as "filibustering" certain letters and addresses which had been published abroad as the work of our foreign representatives.<sup>22</sup> Such publications were attributed in particular to Soulé, and his conduct and public utterances were classed as very objectionable and "filibustering." On his return journey to Madrid, he had

<sup>19</sup> *Ibid.*

<sup>20</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 142.

<sup>21</sup> Representative Washburn, *Ap. Cong. Globe*, 2nd Sess., 33rd Cong., p. 10.

<sup>22</sup> Representative Grey, *Ap. Cong. Globe*, 2nd Sess., 33rd Cong., p. 10.



been detained by the French government, but was released with an apology upon the demand of our State Department.<sup>23</sup> This incident stimulated public interest anew so that Grey<sup>24</sup> was able to state in the House of Representatives that no member of that organization could pass through his district without being interrogated about the object of the conference. Curiosity was almost general from one end of the country to the other.<sup>25</sup>

So it was no surprise when Mr. Sollers introduced in the House of Representatives a resolution calling for information regarding the Ostend Conference and the diplomatic correspondence which preceded it. There had been no official statement on that score. Such information as was to be had from the newspapers led people to believe that a meeting had been held by some of our ministers at Ostend, with some purpose of territorial aggrandizement, probably with reference to Cuba. For the rest it was thought that Soulé was the ringleader. It was not known positively whether the ministers had been ordered to hold this conference by the government, or had acted at the suggestion of the Spanish Minister. Mr. Bayly of the Committee on Foreign Affairs was not sure such a meeting had actually taken place. However, Soulé was distrusted at home on account of his foreign birth and filibustering sympathies, abroad because of his revolutionary antecedents and tendencies. He was reputed to be the moving spirit in this affair. If the object of the meeting were unexplained, Congressmen thought, we should incur the bad feeling and distrust of foreign powers. We should be suspected of a disposition to aggrandize our nation at the expense of our neighbors. It does not seem to have occurred to the proponents of this resolution that the revelation of this information might in itself result in war, but it probably did occur to them that in view of the changed public sentiment, the exposé would discredit the administration. Further, it would make the purchase of Cuba almost impossible by infuriating Spain. Besides, Mr. Sollers affirmed the day of secret diplomacy to have gone by! The country should be left to judge the propriety or impropriety of the government's course. Enough members approved the resolution to secure its adoption and the required documents were transmitted by the President, March 3rd 1855.<sup>26</sup> Marcy, we are told,

<sup>23</sup> Pres. Message, Ap. Cong. Globe, 2nd Sess., 33rd Cong., p. 1.

<sup>24</sup> *Ibid.*, p. 10.

<sup>25</sup> *Ibid.*, p. 3.

<sup>26</sup> House Exec. Doc. No. 93, 2nd Sess., 33rd Cong., p. 1.

was opposed to giving the information, and so were several prominent Senators. On the other hand, the Spanish embassy secretly worked among the Representatives for the passage of Soller's resolution, being sure that American sympathy would be theirs if the documents were published,<sup>27</sup> and so it proved in fact. A wave of indignation swept over the country. The New York Evening Post<sup>28</sup> branded the Manifesto as weak in its reasonings and atrocious in its recommendations. The Tribune<sup>29</sup> described it "as the Manifesto of the brigands." As Rhodes points out its reasonings were especially indigestible to the aggrieved opponents of the Kansas-Nebraska Bill. They who were bitterly opposed to slavery were asked to cooperate in offering one hundred and twenty million dollars to Spain in order to prevent the emancipation of Cuban slaves and to add one or several slave states to the Union. If purchase failed, lives must be sacrificed in addition to gold.<sup>30</sup> The Republicans voiced their indignation in their party platform of 1856. Therein the Manifesto was denounced as a "highwayman's plea that might makes right."<sup>31</sup> The Democratic platforms of 1856 and 1860 did not openly defend it, but the latter favored the acquisition of Cuba by honorable and just means at the earliest practicable moment, and Buchanan was the Democratic candidate in '56.<sup>32</sup>

In Europe, the document met with general disapproval. The London Times which, as a British newspaper, could hardly have questioned the morality of the proposed seizure, wondered at the publicity which the plan had been given. Hence the exclamation:—"The diplomacy of the United States is certainly a very singular profession." It further stated that such a policy if advocated by one of the great European countries would set the whole continent in a blaze; or if seriously entertained by the United States government would justify a declaration of war. Such another argument had been used by Russia in the eighteenth century to vindicate her interference in Poland.<sup>33</sup> The preceding was the type of conservative European opinion as to the Manifesto. Revolutionists, likewise denounced Soulé for having signed the paper as recreant to the expectations which they had formed regarding him. They had hoped for the United State's aid in revolution-

<sup>27</sup> Daily Delta, Wash. correspondence, March 9, 1855.

<sup>28</sup> March 6th, 1855, quoted Rhodes, Hist. U. S., vol. II, p. 43.

<sup>29</sup> March 8th, 1855, quoted Rhodes, Hist. U. S., vol. II, p. 43.

<sup>30</sup> Rhodes, Hist. U. S., Vol. II, p. 43.

<sup>31</sup> American Political Hist., Johnston-Woodburn 1820-76, p. 131.

<sup>32</sup> *Ibid.*, p. 138.

<sup>33</sup> Rhodes, Hist. U. S., vol. II, p. 41.

izing Spain, in return for which Cuba was to be allowed to cast her lot with the new Spanish Republic, or with the American as she chose. This Manifesto was based, they charged, on a purely selfish American standpoint.<sup>34</sup>

The Document, then, met with well-nigh general disapproval. It found but few champions except in the ranks of the extreme slavery party. There was very little difference of opinion as to its proper interpretation. The New Orleans "Daily Delta" and the New York "Tribune" both understood that it was advocated that Spain be offered the alternative of selling us Cuba or ceding it to our superior might. Efforts were made to palliate it however. An advocate of Buchanan's election pointed out that the doctrine enunciated in the Manifesto was not a selfish party stratagem, nor evidence of mere filibustering cupidity, but a continuation of the policy advocated by Whig statesmen in the past, and by the Pierce administration. Everett, it was affirmed, had stated that our interests might justify an assumption, on our part, of dominion over Cuba. This was identical with the Manifesto's doctrine of self-preservation. The same writer further indicated that the publication of the document had resulted at the time in a cessation of filibustering attempts against Cuba, and, on the other, hand, of acts of aggression by Cuban authorities upon our commerce and citizens.<sup>35</sup>

That beneficial result was at best only temporary. Who can tell what might have happened if the injunctions of the Manifesto had been obeyed? A war with Spain, resulting in the acquisition of Cuba, might have resulted in a knitting of North and South. With the advent of a friendlier spirit, induced by common patriotism, their quarrel might have been mended and the Civil War averted. On the other hand, it might have precipitated that conflict. Years of uneasiness, caused by insurrections in the isle and culminated by the Maine disaster and war might have been averted, perhaps, and the course of our destiny changed. But might not France and England have intervened with disastrous results to our young republic?

Modern historians have held up their hands in horror at the immorality of the proposed seizure, and deposed that the public sense of justice which now prevails would have insisted upon the recall of the ministers. Our own times have beheld such a seizure

<sup>34</sup> Curtis, *Life of Buchanan*, vol. II, p. 136.

<sup>35</sup> Curtis, *Life of Buchanan*, vol. II, p. 136.



(the acquisition of the Canal Zone) executed with impunity amid the applause of honest men. International morals are more or less elastic. The same men who would have beheld with scrupulous quakings the seizure from Spain of a fearfully misgoverned island, a great burden to her, and a constant menace to our peace of mind, countenanced with equanimity the sudden emancipation of Southern slaves which meant bankruptcy for the South, an eternal setback for that section, nay for the whole nation.

Waiving however the question of the morality of the act, insofar as Spain's rights were concerned, it is nearly certain that the natives as a whole did not wish their island to pass into our hands. We have seen that they did not come to the aid of filibusters. On the other hand, we read, when the Governor-General Concha publicly proclaimed martial law, and called for volunteers to resist an expected invasion of filibusters, February 12th, 1855, there was great enthusiasm among the Cubans present and the great crowd rushed forward as one man to offer their services.<sup>36</sup> It seems inevitable that there can be no permanent sympathy between Anglo and Spanish Americans as nations. That self-preservation did not require the immediate seizure of Cuba is proved by history. As a military base in the hands of the weak Spanish nation, it constituted no menace, and as for its passing into other hands, the Bahamas and Jamaica were already in the possession of England and were almost as important strategically. Furthermore, in the face of English and French opposition, seizure would have been impolitic at that stage of our development. In view of these facts, it is difficult to admit the expediency of such an act at that time from a national point of view. For the slavery faction, as has been demonstrated, it would have seemed a distinct advantage, but, we think only temporarily in the face of a growing public sentiment against the institution of slavery.

For Soulé, the annexation of Cuba through his agency, would have meant much. He could not aspire to the presidency on account of his foreign birth, but he would have been pleased to figure as a party and national hero, to be a maker of presidents. His, we believe, was a soul athirst for power and glory. A fire-eating "républican rogue" who, in his youth had accepted exile rather than a surrender of his democratic principles, he was a missionary of human freedom. Then, too, there was a fine loyalty

---

<sup>36</sup> New Orleans Daily Delta, Feb. 19th, 1855.

for the Southland, for Louisiana his second home which had loaded him with honors. The acquisition of Cuba was necessary if the social structure and prosperity of that section were to survive. Influenced thus, he accepted the mission to Madrid at considerable personal sacrifice for no other reason than to achieve its cession.<sup>37</sup> It is certain that he desired the forcible seizure of the island. Immorality in seizure? Perish the thought! With an apparently naive disregard of the inconsistency of his equally hearty championship of slavery, his vivid imagination fermented in the generous sunlight of the "Midi" had visioned for the United States, a glorious apostleship among the nations with freedom as the gospel. The Cubans, down-trodden victims of a cruel autocracy, yearned to share our liberty,<sup>38</sup> our democracy. It is impossible, of course, that he and his colleagues lost sight of what annexation might mean to their political careers.

His project rejected and even branded as infamous, Soulé ceased to be a large figure in national politics. He had little influence in the councils of President Buchanan, who was not anxious to recall his own participation in the Ostend Conference. It was the tendency to make a scape-goat of Soulé. His protracted absence abroad had weakened his grip on political levers. Distrust was manifest in many quarters; his predicaments in Europe had contributed to make him appear ridiculous, quixotic. Thereafter, his activities were confined to local issues and his enthusiasm for the extreme was dampened. Embittered, disillusioned, he was relegated to the limbo of broken politicians.

Since the above was written, more than seventeen years ago, new evidence has been adduced tending to extenuate at least the "guilt" of Soulé's belligerent attitude. A most significant part of Marcy's letter to Soulé of April 3, 1854, it seems, was deleted by the former in transmitting his correspondence to Congress. By this suppressed passage (brought to light in 1928 by H. Barret Learned), Soulé is instructed that he must attempt to purchase Cuba, or, failing in that, strive to "detach" the island from Spanish rule.<sup>39</sup> Now "detach" may not connote conquest; it might

<sup>37</sup> New Orleans Times, March 30, 1870.

<sup>38</sup> Speech by Soulé in Senate, March 12, 1853, *La. Book*, p. 137.

<sup>39</sup> *The American Secretaries of State and Their Diplomacy*, Samuel Flagg Bemis, Editor, Vol. VI. William Learned Marcy by H. Barret Learned, Knopf, N. Y., 1928.

suggest emancipation through Cuban rebellion. We know that later messages from Washington were much less susceptible of interpretation agreeable to Soulé. We are constrained to ask, however, whether Pierce and Marcy, inviting, more or less ambiguously, radical recommendations from the Ostend triumvirate were not seeking thereby a gauge of party sentiment obtained thus with a minimum of danger to their own political aspirations. Or, is it fairer to assume that Soulé and his associates were trying to stampede their executive into a policy of war and conquest? Or, was it all simply a misunderstanding, an outgrowth of an incoherent foreign policy aggravated by the wavering and jealous bickering of self-seeking opportunists? You are welcome to your own guess as to the real explanation of an imbroglio suggestive of Gilbert and Sullivan's most piquant episodes.

## BIBLIOGRAPHY

- Calderón, Mrs. F. E. de la Barca, *The Attache at Madrid, or Sketches of the Court of Isabella II* (translated from the German). New York, 1856.
- Field, Maunsell B., *Memories of Many Men and Some Women*. New York, 1875.
- Foster, J. W., *A Century of American Diplomacy* (being a brief review of the foreign relations of the United States from 1776 to 1876). Boston and New York, Houghton, Mifflin & Co., The Riverside Press, Cambridge.
- Gaillardet, Frédéric, *L'Aristocratie en Amérique*. Paris, 1883.
- Greely, Horace, *The American Conflict*. Hartford and Chicago, 1866.
- Johnston and Woodburn, *American Political History, 1820-76*. New York and London, 1905.
- McCaleb, T., *Louisiana Book*. New Orleans, 1894.
- McMasters, J. B., *History of the People of the United States, from the Revolution to the Civil War*. New York and London, 1910.
- Rhodes, J. F., *History of the United States, from the Compromise of 1850*. New York and London, 1902.
- Richardson, J. D., *A Compilation of the Messages and Papers of the Presidents*, 1899.
- Shouler, James, *History of the United States*. New York.
- Smith, T. C., *Parties and Slavery, The American Nation Series*. New York and London, 1906.
- Wharton, F., *International Law Digest*. Washington, 1866.
- Wilson, H. W., *History of the Rise and Fall of Slave Power*. Boston and New York, Houghton, Mifflin & Co., The Riverside Press, Cambridge.



United States House Executive Document No. 93, 33rd Cong.,  
2nd Sess.

Congressional Globe App., 2nd and 3rd Sess., 32nd Cong.

Congressional Globe App., 2nd Sess., 33rd Cong.

Harper's Magazine, October, 1853.

New Orleans Daily Delta, February 19; March 9, 16; April 22,  
12, 1855.

New Orleans Times, March 27, 30, 1870.



## DEATH OF GRACE KING

---

ON NEW YEAR'S DAY, 1932, Grace King held her customary reception, and there was nothing in her appearance to indicate, nor did she have any premonition, she was close to the end of her happy life. She was ailing during the next fortnight, but the public announcement that she was seriously ill was almost coincident with the report of her death on Thursday, January 14, 1932, at nine o'clock in the morning.

She was born in New Orleans, November 29, 1853, and her life extended beyond the term vouchsafed to most of us. The memories of her youth and literary and other activity subsequent to 1886 gave her a unique opportunity to live a full life, and to keep her mind fresh and alert to the last hour. She has passed into history as the outstanding figure of her time, in the circle of usefulness to which she devoted her career, and her departure closes an era in the literature of Louisiana and removes a very notable figure from the social life of New Orleans. The press has been filled with accounts of her life and the varied aspects of her career have been discussed in many places. The Quarterly feels that some of this material should be preserved in its pages, where so much of Miss King's interest had been concentrated in the past ten years, and we have selected for this purpose the program of Le Petit Salon of New Orleans, a woman's club founded by Miss King, of which she was president at the time of her death.

—H. P. D.

### PROGRAM LE PETIT SALON MEMORIAL SERVICE

Thursday, January 21, 1932, at four o'clock P. M.

Mrs. E. M. Gilmer—Presiding

"The Last Hope," by *Gottschalk* (Louisiana Writer)—Played by Mrs. Meyer Prince

Prayer—Rev. Dr. Robert S. Coupland

Address by Dr. John McBryde

Address by Mr. William Nott

Address by Mr. Lyle Saxon

Letters from Publishers and Others, etc.—Read by Mr. Richard Kirk

Address by Mr. Henry P. Dart

Paper by Mr. John McClure, read by Mrs. Lamar Quintero  
Reading from "Monsieur Motte," by Miss Eleonor Moss, representing Le Petit Salon

Resolutions—Mrs. Chas. F. Buck Jr., Chairman of the Board  
"Les Rameaux," *Gounod*—Sung by Mr. John Senaci accompanied by Mrs. Meyer Prince

The remarks of the several persons participating in this program were oral save in the case of Mrs. Gilmer ("Dorothy Dix"), Mr. Nott and Dr. McBryde, who read papers prepared for the occasion. Miss Moss also read some prefatory remarks before beginning the reading from "Monsieur Motte." Mr Saxon and Mr. Kirk have supplied a memo used on this occasion but Mr. McClure's notes have not been put at our service. Mr. Dart used a slight memo during his talk, but he has treated his subject editorially in this number of the *Quarterly*.

MRS. GILMER, Vice-president of the Salon opened the meeting saying:

"Le Petit Salon is today a Lodge of Sorrow for we have met to mourn the passing of the great chief who was its head. In the death of Miss King Louisiana and New Orleans have lost their most gifted daughter and their most famous citizen, but ours is a deeper and a more personal bereavement because Le Petit Salon has lost the mother to whom it owes its being, who guided its first stumbling footsteps along the pathway she mapped out for it; who set the seals of her ideals upon it, and who shed upon it something of the brightness of her own glory.

"To have had as its first and only president a world famous literary genius is a privilege unique among women's clubs, and when in after-years some historian writes the record of Le Petit Salon, and tells of the group of women who met in these storied rooms week after week to welcome distinguished strangers who visited our city, and to discuss new movements in literature and art and music, he will marvel at our good fortune.

"Others will speak of Miss King's achievements in literature. I only wish to pay my tribute to her as a woman, and voice a little of the bereavement we feel in her going. She was a woman whose like we shall not see again. Even before her death she had become a legendary figure—a rare and precious portrait, that lived for us in the flesh, of the old South of fine and aristocratic ladies, who moved gently and spoke softly and with whom the grand manner was a religion. Even more, she was the incarnation of New Orleans. She has embedded its history, its romance, and its poetry in the amber of her matchless prose, and there is not one of us who will ever pass a balcony hung with iron lace without seeing the flutter of the white skirts of one of



her heroines on it. We will not walk down one of the narrow streets of the old quarter without seeing the magic of the vanished days which she threw over them. Never a mocking bird shall sing in the moonlight, or the perfume of jasmine and oranges come to us from behind a garden wall that will not be part of her, and an anthem and an incense in her memory.

"It was given her to die beautifully without suffering. Full of years and honors, with her life work gloriously accomplished, she literally folded the draperies of her couch about her and lay down to pleasant dreams. In this hour of grief it is Le Petit Salon's comfort that it did not wait to lay its roses on her bier. It gave her while she was alive all it had of love, of admiration and appreciation, and now it gives her these tears."

MR. NOTT said:

"In one sense it is superfluous to speak of Miss Grace King. You have all known her and loved her. Yet, I have been asked by the ladies of this organization to say a few words about Miss King, and my friendship for her compels me to accept, though I well know that nothing I say can add further glory to her name.

"My first meeting with Miss King was in April, 1923, when the Louisiana Historical Society presented her with a loving cup in recognition of her services to Louisiana history. Up to that time, the name 'Grace King' had been for me but a legend; I was in complete ignorance of the personality back of it. There was something unreal about meeting such a famous person face to face. But this impression lasted only for a moment. The introduction over, Miss King engaged in a brief conversation, and with her well known interest in young writers, invited me to call. Shortly afterwards, a newly organized Southern magazine requested an article about her, and I was engaged to write it. Now, being interviewed is usually a matter of routine to most people of importance; one of the necessary evils that must be endured. Not so with Miss King. She received me with the same courtesy she would have extended to a reporter of the *London Times* or the *Manchester Guardian*. From that moment dated a friendship that was only terminated by the sad event which we commemorate here today. I have spoken of Miss King's interest in young writers. This was but part of the service she performed for the literary men and women of New Orleans.

"When Miss Grace King had her first story accepted by a Northern magazine, the *Princeton Review*, she paved the way for a generation of writers as yet undreamed of. Picture to yourselves the literary horizon in New Orleans at the time her first book, 'Monsieur Motte,' appeared. It was, as you are no doubt aware, but nine years after the defeat of the carpet bag regime in Louisiana and you may be sure that the appearance of this story was of slight importance to the inhabitants of a city

waging a grim struggle against poverty and despair. Then again, try to picture the indifference with which editors of Northern magazines looked upon the literary efforts of unknown Southern writers. Yet these very struggles imparted a vitality and a sincerity to Miss King's stories that added in no small measure to their appeal.

"Thus she continued at her labors undaunted, braved the literary cliques of Boston and New York, and emerged as a short story writer of first rank. Before she became famous, she noted among her friends Charles Dudley Warner, and Richard Watson Gilder, and thereafter Eugene Field, Thomas Nelson Page, Mark Twain, and scores of others were proud to be within that charmed circle.

"In time Miss Grace King's 'Friday afternoons' became an integral part of the cultural life in New Orleans, the nearest approach to a 'salon' that we of this generation shall witness. When I mention these receptions, I call to mind the painting by Wayman Adams of Miss King and her two sisters, the two devoted sisters who played the same part in her life that the artist has suggested in his portrait. And if I grow the least bit wistful at this point, saddened by the thought that this gracious hostess is no longer with us, you who have loved and admired Miss King will readily understand my feelings. During the past summer and fall I had the pleasure of seeing her quite frequently. She had consented to write the preface to my biography of Charles Gayarré, and not realizing how deeply indebted I was to her, placed her material and time at my disposal. Needless to say, I made ample use of both.

"During our frequent conversations about Gayarré, I was struck by the fact that Miss King never seemed to consider herself the final authority on Louisiana history, but was ever willing to defer to the opinions of others. This notwithstanding that her position as a historian was definitely assured by the publication of 'New Orleans, the Place and the People,' and that her subsequent work could do naught but add to her prestige as a writer. And yet, she had a deep seated and genuine modesty in regard to her literary achievements. When Miss King received the proofs on her forthcoming book of memoirs, she showed me her chapter on Gayarré, and with a simplicity entirely delightful, said: 'If you find any mistakes in the dates, be sure to correct them for me.'

"Summer waned, and the first cool days of fall found Miss King seated before her comfortable log fire in the evenings. What a wonderful experience it was to meet her in the privacy of the home she had done so much to create! Though not a valuable talker, her conversation flowed naturally, and the keenness of her intellect was never dulled by the added weight of years. Unlike Ruskin whose last years were passed in the shadows, and Emer-

son who towards the end of his life could not even recognize his dear Louisa Alcott, a kind Providence spared Miss King these trials, and up to the final summons she was in full possession of her faculties. When fatigue got the better of her temporarily, she would have one of the devoted sisters read to her, for she could not live without the mental stimulus derived from books.

"One of the keepest pleasures of her last months was reading Edgar Lee Masters' life of Lincoln. As you all know, his treatment of the martyred president is none too gentle, and true Southerner that Miss King was, she laughingly declared it to be the best work on Lincoln she had ever read. The Christmas holidays found Miss King in good spirits. She had finished reading proof on her book, and was looking forward to seeing the old friends who never failed to visit her on Christmas Day. On New Year's Day she had invited some friends to meet Julia Peterkin. As was her custom, she had a kind word for everyone, moving from group to group that all might feel her warm, personal welcome. With the exception of a fleeting moment with her the next day, that was the last time I saw Miss Grace King.

"When I say that I shall always cherish the memory of this visit, you who have also been the recipients of her gracious hospitality will share the sentiment that prompts these lines. But when I tell you that one of the last acts of her generous life was to complete the preface for my book, you will realize the full measure of her friendship.

"As I said in the beginning, Miss King does not need the eulogy of anyone. Her life was one of noble deeds and high purpose, and when the final summons came, she passed into the Great Beyond 'full of years and of honor . . .'"

MR. SAXON said:

"I cannot speak of a memorial for Miss King, for it seems to me that in her work she herself has created a memorial that surpasses anything that we might build in her honor. Her books are as fine as fresh today as they were when they were written; they remain unsurpassed, unhurt by the changing years; her style is liquid, simple, concrete; she writes with fine economy when she pleases, and with charming leisureliness when it suits her mood.

"Memorials of stone may crumble; plaques of bronze may corrode, but the books of Grace King will endure as long as New Orleans endures. In future times when we are dead and forgotten, Grace King will live through her writings. Future generations will love and revere her, for in her work she has truly transcribed the spirit of the great days of the past 'in old New Orleans.'"



Mr. KIRK read a letter from Mrs Edward A. Bryant of Yonkers, New York, the publisher's reader of the manuscript of Grace King's forthcoming Memoirs, and from Mr. Brett of Macmillan & Company, both written before the death of Miss King, expressing pleasure in her last book that is to be published next fall. He also read a sympathetic poem on Miss King by Mrs. Amy H. W. Bullock and closed his part of the program as follows:

"No account of her days would be complete which omitted mention of her enjoyment of other writers' books. No Friday or Sunday afternoon caller will forget the book-covered table, and no man or woman of letters, distinguished or undistinguished, her sympathy and understanding. It was a great pleasure to lend her a 'modern' book—a Strachey, or a Virginia Wolf, or a Harold Nicolson. If she disagreed with the lender, the disagreement was certainly not to be explained by reference to years. She understood the point of view, as well as the words spoken, and she was not prejudiced against anything sincere and intelligent. I could name many books that gave her pleasure, among them that witty masterpiece 'South Wind,' and those many masterpieces of humor written by P. G. Wodehouse. I mention her enjoyment of these two kinds with the greatest admiration for a woman of letters who was, unquestionably, one of the best of readers. Good writers, we know, are not always good readers; but Miss Grace was without vanity, without envy or disdain, and her interest in the really genuine of whatever kind was both intense and discriminating."

DR. MCBRYDE said:

"To Mrs. Buck and the others in charge of this programme I am grateful for the opportunity to join in a tribute to the memory of Miss Grace King, for whom I had great admiration and affection.

"I shall always cherish in my memory the impressions I received of her as she presided over the meetings of this Salon which I was privileged to attend. I can never forget her dignity and graciousness, which seemed always to harmonize with the spirit of these lovely rooms. This group which gathers here each week is seeking to perpetuate and carry on into our present-day life the best qualities of a civilization that is past, in order through contact with the spirit of the Old South to cultivate the amenities as an antidote for the restlessness and hurry and discontent of today. That, at least, was, I think, her ideal, and that should certainly be one outstanding reason for the existence of this Salon.

"But I would not have you for a moment conclude that she belonged solely to the past. In her long life she saw one social revolution after another. In common with the others of her gen-

eration she was forced to look on helplessly as many of her cherished ideas and ideals were cast to ground. But through it all she kept her courage, her faith, her hope in the future, and never permitted herself to become cynical or embittered. She was able in a wonderful way to readjust her attitude of mind and heart to present conditions. Thus she did not cut loose wholly from the past, nor did she dwell on it and exalt it at the expense of the present. Without compromising her principles she was able to make herself an integral part of the present social life and to be just the right sort of leader that this organization needed at the beginning. Gifted with gentle, yet at times caustic humor, she could regard with equanimity the many revolutionary changes she saw going on about her in this state and in the whole South, and like the South itself was never one to admit defeat. I could see in her eye the gleam of dauntless courage that carried her through, and catch in the tone of her voice the note of sympathy that enabled her to accept changes that were inevitable. Thus, though her body grew weak with the infirmities of age, her spirit was ever young, and undisturbed by the many hard struggles she must have endured, she maintained to the very last her poise, her sweetness, her charm.

"Through her stories she depicted with fidelity, sympathy, and a vein of humor clearly defined types of folk in old New Orleans so that her literary work, strongly as it appeals to us now, will grow in interest and value with the passing years. In the period following the Civil War, when New Orleans was not heralded over the radio and in the billboards along the highway as 'America's Most Interesting City,' and when the South in some sections of our nation was little known and misunderstood, through her contacts with literary men and women of the North—of which we shall hear details in her *Reminiscences* soon to be published—she served as a literary and social ambassador from our section of the country to the North, and without rancor or foolish sentiment she interpreted it to those who had few opportunities to know this region firsthand. Thus in a humble way she did her part in recreating a spirit of understanding and harmony between the divided sections of our country.

"Her work too was recognized and honored abroad, both in England and France, for not many years ago the French Government bestowed on her the Order of Academic Palms, reserved for those who have attained distinction in the field of literature.

"Her lovely home, a center of hospitality, was a spot to which every distinguished visitor was eager to be taken. No one who had the privilege of drinking a cup of tea with her ever forgot the charm and sparkle of her conversation as she drew on her rich and almost inexhaustible experiences accumulated during her long and useful life. When the Petit Salon was recently organized she

was naturally selected as its first President, and through her inspiration, her tact, her enthusiasm she helped to make it a cultural center and a notable institution in our city.

"Passing away at a ripe age, honored and loved by all who knew her, she has left an indelible impression on the city that was ever so dear to her heart."

MISS MOSS holding in her hands Miss King's "Monsieur Motte," said:

"When your Board conferred on me the honor of representing you, and them today in this service of affectionate remembrance, I at first replied, 'But I am not competent,' and then there flashed through my mind this thought—can you, her oldest friend on this Board, consent to do nothing to honor her, so I added, 'If you would permit me to read something from Miss Grace's writings, I think I could do that, and nothing could do her greater honor, than those beautiful pages'—the chairman graciously replied, 'We leave it to you to do as you will.'"

"Perhaps it might interest you to hear how this little book, 'Monsieur Motte,' came to me. My first acquaintance with Miss Grace was as a member of a small class in English literature which we had been invited to join by her friend and mine, Celeste Stauffer, now Mrs. Eastwick. Tiro as I then was, even in my capacity to appreciate beautiful literature, I soon saw that in this member, we had a woman whose mind was stored with a knowledge of the beautiful in English literature, and that behind this knowledge was a brain capable of creating much more that was beautiful, to add to its literature; I suppose my enthusiastic admiration soon showed itself to her, and like all of us who are human, she responded by adopting me as friend.

"This little book bears the inscription, 'For Miss Moss, with the sincere regard of her friend, Grace King'—then the tell-tale date, 'New York Hotel, October 5th, 1888'—more than forty years ago.

"When I returned from Metairie last Friday, I went to 'Monsieur Motte' for consolation, and I thought its opening pages had never seemed so exquisite. I did not know then what I have since learned from Miss Nan, that they are a portraiture of the Institute St. Louis, the Creole school where she spent her first school days, some time before attending the more prominent and fashionable school of the Misses Cenas—and so today, for a few moments, I trust I may lead you where we shall be wandering with her, in this beautiful garden of her memories."

The following Resolution was adopted:



## RESOLUTION

## MISS GRACE KING

has passed away, leaving an endearing memory to us all. She was the only President of our organization, "Le Petit Salon." We feel her loss.

A lady of culture and refinement, she instilled in the hearts of all of us an appreciation and love for all the arts and sciences. Her's was the guiding spirit in our activities; lessons in art, literature and all the aestheticisms of Louisiana life were visioned and prepared by her for our pleasure and enlightenment. It is rare that such a personality exists. Endeared to all our membership, she was loved, respected and esteemed for the high qualities she possessed, and as the exemplar of the traits and qualities of social, historical and literary New Orleans. She lived. Let her memory ever remain fragrant in our hearts.

BE IT RESOLVED, That these sentiments be inscribed in a page set apart in our Minutes as a token of our undying love and affection, and that a copy hereof be sent to the bereaved family, expressing our sympathy.

(Signed)

MARY J. H. BUCK,  
Chairman of the Board.  
EMMA PENISTON QUINTERO,  
Recording Secretary.  
Committee.

---

MEMORIAL SERVICES ON GRACE KING  
by the  
LOUISIANA HISTORICAL SOCIETY

---

THE LOUISIANA HISTORICAL SOCIETY held a memorial meeting on Tuesday, March 1, 1932, at eight o'clock P. M.

Appreciation of Miss King was expressed by Mr. E. A. Parsons, President and Mr. H. M. Gill, Corresponding Secretary of the Society.

The Editor regrets that these remarks were not reduced to writing.

## EDITOR'S CHAIR

*By Henry P. Dart*

### I

#### THE IDEALS OF GRACE KING

There is a story about Grace King that should be preserved, for perennial interest attaches to the beginnings of any successful career. This story also gives us the earliest public exhibition of a temperament that survived from her literary debut to the last day of her life. It demonstrated at the start her natural tendency to fight for the preservation of ideals of Louisiana that seemed to be in danger of destruction. This incident in her young life may be attributed to the spur of personal emulation, but it should be regarded rather as a clash of principles which led to the expression of those ideals.

The story runs that at a dinner party in her mother's house in April, 1885, one of the guests being the Editor of the *Century*, the talk turned on the literary productions of George W. Cable. Miss King expressed the view that Mr. Cable was not truly representing in fiction, or in history, the true status of the Creoles the white people of Louisiana, that he was unduly stressing the half breeds of ancient Louisiana, as though these were *the* Creoles of Louisiana, and was failing to bring out the splendid qualities of mind and body of the men and women of our own race who had founded, and had brought the State to a high position in civilization and history. Mr. Gilder (the Editor of the *Century*) parried her argument with a challenge to write better stories, or in any event stories that would enable the world to render judgment on this issue. Miss King felt that the Editor had closed the debate, but the challenge was mentally accepted. It is reported that she carried to her couch that night the determination to write.

"I had no idea what I was going to write. I had never written anything. But the story wrote itself—eighty pages of manuscript."

The story thus conceived, and rapidly and legibly written, went to Mr. Gilder under a nom de plume and was promptly returned, but it was accepted by Charles Dudley Warner of *Harper's Magazine* who placed it with the *Princeton Review*, and

Miss King's first story *Monsieur Motte* appeared in the first number of the new Review (January, 1886). Its reception by the reading world created an audience that stayed with her to the end of her working life. For more than forty years, she dedicated her pen to the advancement and elaboration of the principles that first stirred her imagination in antagonism to Cable's views. She lived to recognize his genius and to admire and praise his rare skill as a writer, but she never departed from her original view that the legends and stories, the fact and the fiction of life in Louisiana was a composite that could be worked into the pure gold of romance and history without arraying one class against the other, and without destroying any of the basic elements of the theme. She was rarely equipped for such labors. She knew the language and understood the spirit of the ancestors of Louisiana. By inheritance, affiliation and association, she knew and understood, and could express the limitations, the aspirations, the ambitions of the people of her native land. She used, but did not depend, on folk tales or old stories, but went to authentic sources for her material. Every line of her fiction pertains to Louisiana. She never went abroad for inspiration, nor sought it in any other field, or place, or time. In the result, she has preserved for posterity not only "true stories of Louisiana," but a sympathetic interpretation of the thoughts and ideas of the ancient population of the State.

The vitality of her work is the result of her own conception of her capacity. "My measure (she said) is only the short story." Working within these limits every ounce of her strength was poured into the creation of characters and scenes that are as original as Bret Harte's first and best stories, but unlike Harte, she did not overwork the vein. She labored long, wrote slowly, and never released her task until it had met all the stern requirements of her critical mind. She wrote no potboilers. Only twice in her career did she leave the self imposed strict limits of the short story. She intended *La Dame de Sainte Hermine* to stay within these limits, but to use her own words: "After de la Chaise stepped into it and Bienville, I had to make it a long story." This book may not be a "best seller," but it should not lack appreciation in New Orleans, for the scene and the action of the story is in the first days of the new city. There is one chapter describing the removal of the people of the Colony from Biloxi to New



Orleans that is a perfect gem and worthy to rank with any great description of a similar movement. The archives of ancient Louisiana support the belief that this story in its essentials is based on actual occurrences in and around old New Orleans. The second venture beyond her metier *The Pleasant Ways of St. Medard* has not received the attention it deserves, but some day it will take high place in the literature of Louisiana. It deals with the confusion and demoralization in New Orleans after the occupation of the city by the federal forces in 1862. Here again she is supported by actual incidents and the story could easily have been pitched in the field of true history. The arrangement of the book recalls ancient models. The incidents and characters are dissociated, but necessary links joined together at the close; the theme is in part the break down of character in an upheaval that tested morale and that tended to sweep away old foundations. But above the meanness and weakness of the hour there rises a hopefulness and courage that grows and swells to a victorious and happy end. There is something about this story that suggests personal experience. The book was evidently close to Miss King's heart for she said:

"I gave nine years to studying the subject and preparing for it and writing it, putting into it all the sentiment I had, with all my imagination and all my strength of pen."

## II

In 1892, Miss King's *Bienville* marked her entry into the field of serious history. This brief biographical study of the Father of Louisiana not only covers all that was then known of Bienville, but it assembled an unusual body of material dealing with the first attempt to plant a French Colony on the Gulf Coast. The value of this review improves with time, and it is still necessary to consult her book in any restudy of that period. Bienville's career was enmeshed in romance and legend, but Miss King repressed the temptation to make use of these, and on the contrary drew a calm and accurate account of the man and his deeds, that keeps her book fresh and useful in the absence of any other authority on the subject. This does not imply that she did not let her imagination play over the whole scene, but this was only a medium to supply from the recorded fact the rule and purpose of the man's life in Louisiana. Since the publication

of that book much material, then unknown, has been brought to light, some of which has been printed in the Louisiana Historical Quarterly. Miss King followed this with avidity, recognizing that it would fill gaps in her book. She was urged to bring out a new edition, but felt unequal to the labor this would impose. Nevertheless, she retained to the end certain fixed ideas about Bienville and often said that while her book had been confected in the atmosphere of those ideas, she had purposely so framed her narrative that the reader could do his own thinking, or rather draw such conclusions as the recorded facts would justify. Had she been able to rewrite her biography of Bienville, his place in history would not have been materially altered, but the story of his life would have been enriched by the consideration and reflection she never ceased to give the subject as the years went by.

There are many other serious books that would be noted in any extended review of Miss King's work, but this part of our study must hurry on to the book which brought her contemporary fame, and that will perhaps outlast all her other work. *New Orleans, the Place and the People* is a medley of pure history and of lambent imagination. It was conceived upon original lines and seems to have no parallel in literary history. Those who love the book (and who does not love it), compare the author with her subject. She is a lady of distinction, impressing her soul upon that other lady of distinction, the City of her admiration, the source of her inspiration, the theme of all her imagination. The writer expressed upon another occasion a judgment on this book, that the intervening years have not changed. He still believes that Miss King has here created an ideal of New Orleans that coming generations should never forget.

"She has established its foundation and made it to sparkle and to glow among the commonplace creations of the age. She has lifted its history into an atmosphere that no other place or time may expect to enjoy. Out of it comes a lofty vision that possesses the soul and binds it with links of steel to the maintenance of her ideal. The City founded by Bienville has become the City of Miss King, her City of Distinction. The patent of nobility conferred by her hand has been recognized the wide world over, and the book by which this was done will endure as long as one brick stands upon another in the City of her Glory."\*

---

\* *La. Hist. Qy.*, 6, 353 (July, 1932).

III

Grace King was one of the devoted band who joined in 1893 to rejuvenate the Louisiana Historical Society serving as First Vice-President and later secretary of the revived body. In its early struggle for existence under the new management, she was ever at the laboring oar and remained in active service for more than thirty years. During most of that time at the Secretary's desk she took notes of the deliberations of the Society, recording in vivid thought and happy word the small or large incidents of the meetings, producing out of a minor service a body of literary expression that may some day serve to illustrate the fertility of her genius. She edited and supervised the printing in 1895 of the first thin brochure, the first number of the Publications of the Society. Her handiwork appears in succeeding numbers of this series and it fell to her to prepare and print the last volume issued in 1917. In that year she aided in founding the Louisiana Historical Quarterly (the consummation of another ideal), but the editorship was imposed on another. The first number (January, 1917) carried a contribution from her pen, the beginning of what she entitled "Abstracts of old papers" based upon a card index of the contents of the famous "black boxes" that had been started and suspended by the Society. This was a work that she had for years made every effort to push forward, and in the introduction to the first installment, she again expressed her conviction of its necessity and added that it had become "a duty heavy with responsibility." She struggled with this onerous and uncompensated task, against obstacles she could not circumvent, and in 1918 directed my attention to her labors. It was due to her urging that a propaganda was started that resulted in the resumption of the work and relieved Miss King of the labor. From the slight beginning of the Abstracts in 1917, the calendar of our French and Spanish Judicial Archives has risen to the dignity of a feature, and the installments printed in the Quarterly are eagerly consulted by hosts of readers. Miss King's intense interest in these old archives was such that she often said she could scarcely restrain her impatience for the next installment. Whether or not she found here the germ for *La Dame de St. Hermine*, it is a fact that while at work on that story, she kept the archive force busy seeking more and still more light on the subject.

Her happiness over the launching of the Quarterly began to be overshadowed. After its brave first number, the publica-



tion lagged. Supposed to appear every quarter, it came out semi-occasionally. In 1922 the Editor's Chair became vacant and the writer was drafted to fill it. An Advisory Editorial Board was created and Grace King was called back to service. Her instant and hearty acceptance of the office was followed by unflagging zeal in the performance of its duties. During the year succeeding this change, the Editorial Corps forgathered monthly at the home of our colleague. It was a period of doubt and uncertainty, it seemed impossible to overcome the inertia of our start, but the enthusiasm of Miss King was catching and inspiring. Great questions were debated and decided, the policy of the Quarterly was established, its reach and scope enlarged, the arrears were made up and when at last the publication appeared on its due date, Miss King declared that God had been good to her in that she had been spared to see this most coveted desire satisfied.

In 1923 Grace King was approaching a birthday that perturbed her. "I am getting to be an old woman, I will soon be seventy." There was no outward indication that this birthday would find her changed, or burdened, or disheartened. The Louisiana Historical Society took notice of the coming event and forestalled it with a celebration, "The Jubilee of Grace King." The ancient Sala Capitular of the Cabildo, the great meeting hall of the generations of Louisiana, was filled on April 27, 1923, with a notable gathering that overflowed into the corridors and other rooms. It was a famous event in our annals; men and women spoke of her life work and there was music and singing and flowers. A loving cup was presented and Miss King in response spoke "of the glory that had been hers during this precious hour of her extremest happiness."

We have touched only some of the high spots in the life of Grace King; the complete story must wait upon her Memoirs and the biographer who will have space and time to record the whole. But enough has been said to justify the theme of this preachment, that this was an ideal life conscientiously and industriously devoted to high ideals. The law of averages controlling human expectations was suspended in her favor. Sustained and comforted by love and devotion, she was spared to complete all the tasks to which she consecrated her soul. In the fulness of time, with nothing more left to be done, her book of life was closed and history stood by to write on its last page the promise of immortality.

BOOK REVIEWS BY THE EDITOR OF THE QUARTERLY

---

**The Commercial Policy of Spain in Florida and Louisiana,  
1788-1803.**

---

*Documents Relating to the Commercial Policy of Spain in the  
Floridas With Incidental Reference to Louisiana, Translated  
and Edited by Arthur Preston Whitaker, Cornell  
University. Publications of The Florida State  
Historical Society, No. 10, 1931,  
Deland, Florida.*

---

THIS beautiful book is primarily a transcript of the Spanish text of the original documents indicated in the title, printed in juxtaposition to translations of the same; each page of the latter being printed opposite to, or following the corresponding page of the text. The latter includes thirty documents beginning with the Summary of a Representation of 1778, by Manuel de las Heras, relative to the decay of Commerce dated El Pardo, January 9, 1779, and closing with the report of Juan Ventura Morales Intendant ad interim of West Florida to Minister Manuel Cayetano Soler relative to American Commerce on the Mobile River, dated Pensacola, April 30, 1808. This body of historical material of the first importance is preceded by a Foreword from the Committee on Publication; a Preface by Mr. Whitaker; a Table of Contents and another of the Illustrations. A brilliant Historical Introduction by Mr. Whitaker closes these features of the volume. There is besides, a bibliographical list from the same hand, and a mass of notes to the text, full of information, to which is added a series of relevant appendices and an index, one of the best of its kind. When to all this labor we add the splendid work of the printer and binder, it will be seen we have here a masterpiece that is not only a monument to the author and translator, but a perfect example of how such work should be done. The volume is dedicated to James Alexander Robertson "friend and scholar," a succinct delineation of the character of the man whose initiative, foresight, vast knowledge and indefatigable industry may be placed at the foundation of this work.

The writer of this review has had some experience with Spanish texts, and it was natural he should turn first to the translations in the body of the work, passing over for the moment the Historical Introduction and other attractive features. The study of these translations develops the possession in Mr. Whitaker of that rare qualification, the skill to render the text into pellucid English. The true translator must visualize the letter and the spirit of his task, or his rendition becomes mere dry bones, and if to this he adds a deep understanding of the subject, and a thorough grasp of the problems involved, and historical insight into the history of the times, he creates something of permanent value. All this is shown in Mr. Whitaker's work.

The purpose of the compilation is to reflect through these documents "the policy of Spain, relative to commerce rather than the actual commerce" itself. The earliest document relates to the year 1778, and we must therefore seek elsewhere for the policy of Spain from the Cession of Louisiana in 1762 to 1778. It is now generally accepted that the inhabitants of Louisiana had contemporaneously a perfect comprehension of the commercial policy of Spain and that they were justified in revolting in 1768 against the commercial regulations of Ulloa promulgated through Aubry (the French Commandant) in 1766. It was foreseen that these regulations would strangle the commerce of the Colony and destroy both the value of the property and the livelihood of a large and influential part of the population. Though O'Reilly took the lives of the leaders of the revolt in punishment for their audacity, nevertheless his first report on the commerce of Louisiana recognized by inference the justice of their complaint, for he reported to his Master that Commerce was the life of the Colony, which could not subsist without free trade with Spain and Havana. His recommendations were not approved by the court save for a slight modification that did not materially alter the situation. After O'Reilly's departure, his successor, Unzaga, was faced with the problem of a starving colony and during his whole term of office, he winked at the English infraction of Ulloa's regulations and the resulting violation of the general policy of Spain. This English "smuggling" did not benefit Spain, but it kept the colony alive and increased the prestige of England in the Mississippi Valley. Spain did not, and under her colonial policy could not, bridge over the difficulties, but in 1776 by agreement



with France the right was granted to Louisiana to trade with the French West Indies. Galvez became Governor on February 1, 1777, and his liberal interpretation of this compact filled the French Commissioners in Louisiana with happiness. They reported later to their Government that the action of Galvez had "revived the industry and activity of the merchants and planters and opened a brilliant prospect to the colony."<sup>1</sup> Four years later Maxent of Louisiana, seeking a monopoly of the Indian and domestic commerce of Louisiana, insisted that this liberal policy had not benefitted Spain but had enabled "France to reap the benefits of the Colony without bearing the expense of maintaining it."<sup>2</sup>

In the interim, Spain in 1778 made the first attempt to ameliorate the strictness of her colonial policy. The so-called Ordinance of Free Commerce of 1778 confirmed the privileges granted to Louisiana by the decree of March, 1768, and subsequent orders, but as already indicated, the people of Louisiana derived little benefit from these concessions because they were French, accustomed to French goods, and these in common with all others of foreign origin could be imported only by way of Spain where they were required to pay a fifteen per cent import duty, with no drawback upon re-exportation. Mr. Whitaker says that the Free Ordinance

"was conceived in the very spirit of nationalistic monopoly and minute regulations \* \* \* for it still upheld the hoary principle that Spain's colonies must trade with Spain alone. It was called the Ordinance of Free Commerce because it abolished the old monopoly of Cadiz and permitted most of the principal ports of the Kingdom to trade with many parts of the Colonies."

Notwithstanding this loosening of the fetters that made for no real benefit to Louisiana, Spain's unfavorable balance of trade continued to accumulate, and most of this loss represented foreign articles imported for reshipment to America. However, the enforced use in the colonies of Spanish articles of commerce, wiped out this loss and yielded a net profit to Spain. The colonies, however, and particularly Louisiana, resorted to various methods of protecting themselves, and smuggling was a constant thorn in the flesh of the local rulers.

<sup>1</sup> See the Report, Gayarré, *History of Louisiana*, III, 106.

<sup>2</sup> Whitaker, *Documents*, III, p. 28.

At this juncture in 1779, Spain entered the Revolutionary War but purely in her own selfish interest and came out of it (1779-81) with West Florida in her possession and a far greater problem to solve for now she had shut the door on English commerce on the Mississippi but had to face the growing power of the West. A crisis resulted and in 1781 the colonial officials of Louisiana adopted an emergency measure permitting the Americans to enjoy the free navigation of the Mississippi until the end of the war. France also continued to receive the benefits of the previous arrangement. But the situation burnt into the Spanish Government

"that not merely the prosperity but the very existence of Louisiana, the barrier to New Spain, depended upon commercial intercourse with some foreign nation."

Spain could not fill the gap and Galvez by a new process of elimination decided the only suitable measure was free trade with the French Colonies and with France herself. At this point our story must deflect to an incident, well known to our historians, but until Mr. Whitaker examined the documents, its real effect upon Spanish policy was not apparent. In substance, he says that Galvez's conclusions were to some extent affected by the undercurrent of family connections. The Superintendent of Indian Affairs in Louisiana was Gilbert Antoine de St. Maxent, the head of an influential creole family of the province. Maxent's daughter was the wife of Governor Galvez and the Governor's uncle, Jose de Galvez was Colonial Secretary, a staunch friend of France and after the Chief Minister, Floridablanca the most influential of the King's advisers. Maxent went to Spain and in October, 1781, laid at the feet of the King a Memorial urging that Louisiana be permitted to trade with France. But behind this he had a private project for the fur trade and we may shorten the story by saying he received a permit under which he was allowed to invest 380,000 pesos in goods for use in West Florida and Louisiana. Maxent's adventure ended in the capture of himself and his cargoes by the English fleet. The reader must go to Mr. Whitaker's book for the rest of the story.

However, the contract of 1781 with Maxent made it necessary to throw Louisiana open to French Commerce and there resulted the Commercial Cedula of January, 1782, conferring unprecedented privileges on the provinces of Louisiana and West

Florida. Though Florida, for reasons told in this book remained only "a tail to the Louisiana kite until the retrocession of 1803", Mr. Whitaker says that family influence combined with *haute politique* to produce this measure unique in the annals of Spanish Commercial legislation. It "was the necessary complement of the contract of 1781 which conferred an extraordinary favor upon the father-in-law of the nephew of the Colonial Secretary." We have been accustomed in Louisiana to revere Galvez as the one colonial leader in Louisiana who was actuated throughout by the highest motives of public policy. This human touch reveals an unsuspected weakness. The unfortunate ending of Maxent's adventure continued to plague the local administration for many years. Indeed, our Cabildo records are full of Maxent's misfortunes and his troubles and the litigation in his estate did not cease until it was closed in the early years of the American domination. However, the intercession of Galvez in Maxent's behalf in 1781, resulted very happily for Louisiana, for "once Maxent's contract was signed, Louisiana had to be thrown open to French Commerce in order to justify a measure that savored strongly of nepotism."

We cannot pursue the subject further than to say that Dr. Whitaker both in his introduction and in this collection of documents has embellished the history of Louisiana and has rounded out the story that entranced us in his book *The Spanish American Frontier*, published in 1927. He has opened up a prospect that we trust will be closed by the same competent hand, namely, an unbiased history of the political, social and commercial relations of Louisiana and Spain from 1768 to 1803. We know no living writer so competent to perform this long neglected task.

This great book is priced at what seems a heavy sum in these times of depression, but the primary costs of production must have been very great. The book however, is the final version on the subject treated in its pages. It is worth the price, and it should be in every library that pretends to cover the history of Louisiana.



**Varina Howell, Wife of Jefferson Davis**

---

*By Eron Rowland, Mrs. Dunbar Rowland, Two  
Volumes, The Macmillan Company, New  
York, Vol. 1, 1927; Vol. 2, 1931.*

---

The lover of books will find in these two volumes a constant appeal to the hand, eye and mind, stately in size, light to the touch and beautifully printed. They are covered in imitation of the black watered-silk of our grandmothers, the favorite garment in the later days of Varina Howell, wife of Jefferson Davis. A valuable index completes the work. The content of the volumes is worthy of the skillful work of the publishers. It tells the life story of a lady of quality and the narrator is of the same class. Eron Rowland and Dunbar Rowland, her husband, are writers of distinction in separate fields, but joint in their devotion to the fame of the President of the Confederate States and his consort. Dr. Rowland has linked his name forever with that of Jefferson Davis in a series of volumes that are a mine of history and historical data. Mr. Rowland now complements her husband's labors in this biographical study of Davis' wife, a unique performance which it is safe to say will remain in that class, for it is not likely ever to be attempted by another.

The first sight of so much labor and devotion appals the reviewer and the books are opened with the thought that the life of any woman can scarcely be so important as to require or to permit its extension over two volumes. The foreword quickly disarms such criticism. It is a labor of love, and the reviewer must approach his duty in the same reverent spirit. But that consideration does not affect the value of this contribution toward an understanding of the part played by Mrs. Davis in the career of her distinguished husband, besides which it preserves in a comprehensive way the social and political atmosphere of a period of our national life that has almost faded out of history. There is room in our literature for such a work. These volumes may not be read through at a sitting, they are armchair books, to be enjoyed when the cares of the day are out of sight. Approached in this humor, the story grows on you and when finished, you have

lived through an unusual era and shared the happiness and the griefs of a very noble life, that had no mean part in the events and issues of that era.

A striking feature is a series of portraits of Varina Howell. These presenting her in various stages of life from girlhood through the blossoming years when her beauty was triumphant, through the cares of motherhood to the year 1864 when the toll of the war began to lay its weight upon her features, and finally in the days of her old age just before the end. There is a long gap from 1864 to 1906, for which there are no pictures. The written story of her life shows a dominating spirit that would not break under adversity, but the facial changes of the forty years intervening between 1864 and 1906 would have been good material for the physiognomist. In her early day, she was a "handsome, well proportioned young woman of more than average size," a brunette, with dark hair and eyes and "a rich creamy complexion." The pictures show that she kept her flesh and her good looks down to the end of the war. The jump of forty years to the picture at eighty indicates that time did not keep faith with his early promise. The handsome woman of forty, at eighty is heavy in face and body, but the eyes still reflect the spirit of her early days.

Varina Howell was born at Natchez, Mississippi, May 7, 1826, the child of landed proprietors, who were Whigs in politics and masterly folk. That beautiful region of hills and vales, with the Mississippi River as the foreground, was the theatre of her youth and the scene of her marriage, a countryside filled even at that early period with historic names and places and a society that was proud and haughty. She was educated at home, with the exception of two school terms in Philadelphia. In consequence, she acquired early and kept through life "a certain grace and savoir faire peculiar to the lordly ruling class." In 1845, before her nineteenth birthday, she became the wife of Jefferson Davis. He was eighteen years her senior, in politics a democrat, but in some characteristics scarcely different from the people whose qualities the young wife had inherited. It is hardly overstating the situation to say that from the day of the marriage to the day when Davis was relegated to the status of "a man without a country," his wife struggled not always with success to recognize the principle that "all men are created equal."

From the date of her marriage to the Civil War, the life of Mrs. Davis from a worldly point of view was completely successful. Her husband filled one public office after another, returning but seldom to his primary occupation of cultivating his plantation in Mississippi. That work was conducted by overseers and slaves. We get glimpses of happy hours occasionally passed at the Natchez home and, at the start, Mrs. Davis thought that nothing could exceed "the bitterness of being a politician's wife," but this was said shortly after marriage and when her husband was on a local canvass. Once he began to climb, there is nothing in these volumes to indicate she did not thoroughly enjoy the game of politics. Indeed, it may be said now, as it was said in that period, that Mrs. Davis was as good a politician as her husband. These first sixteen years, were on the whole, the happiest in her life and here Mrs. Rowland's book has the added interest of novelty, for she has assembled much concerning the social and political gossip of the period that has been lost in the fiercer contests of the last half century.

The second volume is cast on broader lines, as it should be, for here is related the interesting story of the organization of the Confederate Government at Montgomery, and the years of the war at Richmond. It is at once a happy and a tragic story, told with the simple art that the occasion demands. Davis and the great issues of the hour still dominate the scene, but through it runs the thread of the personality of Davis' wife. One is convinced that she had much to say in the solution of the problems which vexed and tore the administration at Richmond. However we would incline to the idea that this participation in the councils of her husband had no influence on his actions or decisions, we cannot reach the state of mind that would lead us that way for it is shown that Mrs. Davis was a strong, vigorous thinker, with the wit and genius to impress her views at the proper source. It would seem impossible to affirm that the unity of purpose of husband and wife did not in some way affect the course of events in those terrible years after 1862.

The story of the flight from Richmond in April, 1865, the capture of Davis and his long incarceration, the vigorous campaign conducted by Mrs. Davis for his release, and all the cross currents that she met and overcame, and the end of that terrible ordeal in May, 1867, lose nothing in the retelling by Mrs. Rowland.



We catch here a vision of the soul of Mrs. Davis in defeat. We should have understood her reactions from our knowledge of the management of herself in her happy and successful years, but Mrs. Rowland perpetuates her heroic conduct in this crisis in a way that leaves a permanent impression on the reader. The years between 1867 and the death of Davis in New Orleans, December 6, 1889, are happily treated. The ideal relation of the spouses had made their marriage a long honeymoon interrupted only when the grave broke the tie. She was then in her sixty-third year and had seventeen years of comparatively active life before her, (she died October 16, 1906). The story of her widowhood is of necessity compressed into a few pages, but this reader for one would rather have had less of the earlier life and more of this. It should be an extremely interesting story, particularly when written in connection with Mrs. Davis' letters and the work she had to do to keep the wolf from the door. It has been glanced at by Mrs. Rowland, but it deserves larger treatment. Everything in her history indicated she would rise superior to the ill fortune that dogged her aging years. The glory of early life was not obscured in this struggle and the record of her physical and moral courage under adventitious circumstances is worthy of more ample preservation for the comfort of others who are fighting similar battles. The Widow of the Confederacy has a niche in the temple of time that her accomplished biographer should be tempted to fill in a larger fashion than here set out.





